

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING CERTAIN SECTIONS OF
TITLE 12 (WATER AND SEWERS) OF THE SUNNYVALE
MUNICIPAL CODE.

WHEREAS, the City of Sunnyvale desires to amend and add certain sections to the Sunnyvale Municipal Code Title 12 (Water and Sewers).

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

SECTION 1. SECTION 12.04.010 AMENDED. Section 12.04.010 of Chapter 12.04 (Sewerage System) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.04.010. Purpose.

~~(a)~~ Chapters 12.04 through 12.18 set forth uniform requirements for users of the publicly owned treatment works (POTW) for the city of Sunnyvale and enables the city to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of these chapters are:

~~(a)~~~~(1)~~ To prevent the introduction of pollutants into the POTW that will interfere with its operation;

~~(b)~~~~(2)~~ To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

~~(c)~~~~(3)~~ To protect both the POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

~~(d)~~~~(4)~~ To enable the reuse and recycling of wastewater and sludge from the POTW;

~~(e)~~~~(5)~~ To provide for fees for the equitable distribution of the cost of operation, maintenance and improvements of the POTW; and

~~(f)~~~~(6)~~ To enable the city to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge reuse and disposal requirements, and any other federal or state laws to which the POTW is subject.

~~(b)~~ Chapters 12.04 through 12.18 shall apply to all users of the POTW. These chapters:

~~(a)~~~~(1)~~ Authorize the issuance of wastewater discharge permits;

~~(b)~~~~(2)~~ Provide for monitoring, compliance and enforcement activities;

~~(c)~~~~(3)~~ Establish administrative review procedures;

~~(d)~~(4) Require user reporting; and
~~(e)~~(5) Provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(c) Chapters 12.04 through 12.18 apply to the city of Sunnyvale and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. Except as otherwise provided herein, the director of ~~public works~~ environmental services or, where applicable, the director of public works shall administer, implement and enforce the provisions of these chapters. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

SECTION 2. SECTION 12.04.030 AMENDED. Section 12.04.030 of Chapter 12.04 (Sewerage System) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.04.030. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this title, shall have the meaning hereinafter designated.

(1)-(12) [Text unchanged]

(13) “Director” means the director of environmental services or, where applicable, the director of public works of the city, or designees.

(14)-(60) [Text unchanged]

SECTION 3. SECTION 12.08.010 AMENDED. Section 12.08.010 of Chapter 12.08 (Sewer Connections) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.08.010. Sewer connection required.

The owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a city sanitary sewer, is required to install, at his or her own expense and as soon as practicable, suitable toilet facilities and to connect, without any undue delay, and, in no event, at a date later than ninety days following official notice from the ~~director~~city, such facilities directly with the proper city sanitary sewer in accordance with the provisions of this chapter and Chapters 12.12 and 12.16; provided, that the city sanitary sewer is within three hundred feet of the building.

Notwithstanding the foregoing, where residential property is annexed into the city, on which a functioning septic tank system is located, a sewer connection to the city sanitary sewer shall not be required so long as the existing septic tank system is functioning in good order. At any time the county health official determines the septic tank system is failing, and/or at any time the septic tank system is to be repaired or replaced, or upon further development of the property affecting wastewater discharge, the property owner shall apply for and install a connection to the city sanitary sewer system as set forth above.

SECTION 4. SECTION 12.18.090 AMENDED. Section 12.18.090 of Chapter 12.18 (Enforcement) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.18.090. Administrative civil penalties.

(a) [Text unchanged]

(b) Hearing. Unless the person charged with the violation(s) waives his or her right to a hearing, the director of ~~public works environmental services~~ or designee (“hearing officer”) shall conduct a hearing within thirty days. If the hearing officer finds that the person has violated any reporting or discharge requirement of Chapters 12.04 through 12.18, he or she may assess administrative penalties against the person. In determining the amount of the civil penalty, the hearing officer may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger. Civil penalties that may be imposed pursuant to Government Code Section 54740.5 are as follows:

(1)-(4) [Text unchanged]

(c)-(d) [Text unchanged]

SECTION 5. CHAPTER 12.20 AMENDED. Chapter 12.20 (Water Department) Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

Chapter 12.20
WATER~~DEPARTMENT~~

12.20.010. ~~Created.~~Purpose and Intent.

~~12.20.020. Officials Designated.~~

~~12.20.030. Duties and powers.~~

~~12.20.040. Accounts to be kept.~~

12.20.010. ~~Created.~~Purpose and intent.

~~The municipal water department of the city is created and shall be under the supervision of the commissioner of public works and property.~~

(a) The city council finds and determines that the regulation of water service and use contained in this title are for the purpose and intent of:

(1) Providing water for the benefit of the city;

(2) Securing and promoting the public health, safety, and welfare of its present and future residents;

(3) Conserving the water supplies of the city;

(4) Facilitating the enforcement of the city’s water use restrictions and prohibitions and best management practices;

(5) Recognizing that the state of California has declared that the use of recycled water is in the public’s interest and that a substantial portion of

the future water requirements of the state may be met by the utilization of recycled water; and

(6) Providing an orderly and adequate means of protecting the city's water system from backflow.

(b) Responsible parties. Every property owner, tenant, person or organization (herein "customer") supplied with water service by the city shall be considered as having given express consent to be bound by the city's rules and regulations for water service and use.

(c) Responsibility for enforcement. The primary responsibility for enforcement of the provisions of the city's regulations for water service and use shall be vested in the director of environmental services and his or her designees or other city officials or staff designated by the city manager.

12.20.020. Officials designated.

~~The officials of the municipal water department shall be a chief engineer and general manager and such other employees as may be authorized by the city council. The director of public works shall be the chief engineer and general manager.~~

12.20.030. Chief engineer and manager—Duties and powers.

~~Subject to the direction and control of the commissioner of public works and properties, the chief engineer and general manager shall have full administrative and executive power to manage and operate the waterworks having charge of the construction, extension, maintenance and operation of the waterworks, all as provided by the state law for such operation and management. He shall cooperate with the head of the department of public health in providing for adequate sanitary protection of the waters and waterworks system. The appointment, transfer, promotion and separation of all employees of the department shall be made by the chief engineer and general manager, likewise purchase of all equipment and materials shall be made by him, acting as purchasing agent and in accordance with specifications prepared under his direction. The chief engineer and general manager shall submit to the city council not later than May 1st, an estimate of revenues and expenditures for the ensuing year. If this budget is not approved by July 1st, the chief engineer and general manager shall operate under the terms of said budget. All records of the department shall be kept in accordance with the requirements of the State Supervisory Agency. An annual report shall be prepared and submitted to the city council not later than January 1st of the following year.~~

12.20.040. Accounts to be kept.

~~The municipal water department shall keep a set of accounts showing the names of persons to whom water is furnished by the department, the amounts due and the disposition of the accounts.~~

SECTION 6. SECTION 12.24.020 AMENDED. Section 12.24.020 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.020. Meter reading—Payment of bills—Service discontinuance—Special service charges.

~~(a)~~—All meters shall be read as nearly as possible once every other month, with the exception of meters with commercial or industrial rating, which shall be read monthly. Billing periods shall as nearly as possible be bimonthly for nonindustrial meters, and monthly for industrially rated meters. Billing periods shall be staggered among the customers rather than on a uniform calendar monthly or bimonthly system for all customers. All bills for service are due and payable upon presentation. All bills must be paid to the Finance Department, 650 West Olive Avenue, Sunnyvale, on or before the twenty-fifth day after presentation. The procedure set forth in Chapter 12.50 of this code shall govern any discontinuation of service for failure to pay bills. A special services charge, at the rates hereafter fixed from time to time by resolution of the city council, shall be made for restoring said service.

~~(b) Remove bills, special bills, bills rendered on vacation of the premises, or bills rendered to persons discontinuing the service, shall be paid on presentation.~~

SECTION 7. SECTION 12.24.070 AMENDED. Section 12.24.070 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.070. Consumer responsible for appliances—Right to refuse service.

(a) The ~~water department~~city shall have the right of refusing to, or ceasing to deliver water to a consumer, if any part of the consumer's service appliances or apparatus shall at any time be unsafe, or if the utilization of water by means thereof shall be prohibited or forbidden under the authority of any law or municipal ordinance or regulation, and may refuse to serve until the consumer shall put such part in good and safe condition and comply with all the laws, ordinances and regulations applicable thereto.

(b) The ~~water department~~city does not assume the duty of inspecting the consumer's service appliances or apparatus or any part thereof and assumes no liability therefor. The owners of premises taking water must keep their service pipe, stopcocks and all apparatus connected therewith on said premises in good repair at their own expense; and no claim shall be made against the city of Sunnyvale by reason of bursting or any other disarrangement of any service pipe or any apparatus or any appliance connected therewith.

(c) The consumer shall at his own risk and expense, furnish, install and keep in good safe condition, all apparatus and appliances which may be required for receiving, controlling, applying and utilizing such water and the ~~water department or~~ city of Sunnyvale shall not be responsible for loss or damage caused by the improper installation of such apparatus or appliances, negligence, want of proper care, or wrongful act of the consumer or any of his agents, employees, or licensees on the part of the consumer in installing, maintaining, using, operating or interfering with any such apparatus or appliances.

SECTION 8. SECTION 12.24.080 AMENDED. Section 12.24.080 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.080. Meters and appliances—Installation—Liability for damages.

(a) All meters shall be installed by or under the supervision of the ~~water department~~city. Such meters, wherever practicable, shall be placed in suitable meter boxes, located in the sidewalk. When it is not practicable to place meters in the sidewalk, or in other words between the curb and property line, the meters shall be installed in some convenient place approved by the water department upon the consumer's premises, and so placed as to be at all times accessible for inspection, reading and testing.

(b) The ~~water department~~city shall, at its own expense, furnish and install service pipe of suitable capacity, from its mains to the meter for service of premises abutting upon a public street, along which it has a water main. The necessity and convenience of constructing new mains and service therefrom shall be determined by the city council.

(c) All meters and appliances installed by the ~~water department~~city at its expense, whether in a public street or upon the consumer's premises, for the purpose of delivering water to the consumer, shall continue to be the property of the ~~water department~~city, and may be repaired, replaced or removed by the ~~water department~~city at any time. The consumer shall exercise reasonable care to prevent the meters and appliances installed upon the premises, from being injured or destroyed, and shall refrain from interfering with same, and in case any defect therein shall be discovered, shall notify the water department thereof.

(d)-(e) [Text unchanged]

SECTION 9. SECTION 12.24.100 AMENDED. Section 12.24.100 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.100. Employees to connect or disconnect service—Acceptance of gratuities prohibited.

(a) Only duly authorized employees of the ~~water department~~city are allowed to connect the consumer's service to, or disconnect the same from the city water mains, or supply pipes.

(b) All employees of the ~~water department~~city are strictly forbidden to demand or accept any personal compensation or gratuity for services rendered any consumer.

SECTION 10. SECTION 12.24.110 AMENDED. Section 12.24.110 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.110. Tampering with equipment prohibited.

No person or persons shall, without a written permit from the ~~superintendent of the water department~~city, open or in any way tamper with or make any addition or alteration whatever to any street main, service connection, meter, stopcock, valve or aircock connected with the water mains.

SECTION 11. SECTION 12.24.120 AMENDED. Section 12.24.120 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.120. Vacation of premises—Notice to discontinue service.

Each consumer about to vacate any premises supplied with service shall give ~~written~~ notice of his intended removal in writing or as determined by the city, at least two days prior thereto, specifying the date desired for service to be discontinued; otherwise he will be held responsible for all water furnished to such premises until the ~~water department shall have~~city has notice of such removal.

SECTION 12. SECTION 12.24.130 AMENDED. Section 12.24.130 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.130. Meter tests.

(a) Any consumer may, upon not less than five days notice, require the ~~water department~~city to test his or her water meter. A deposit to cover the reasonable cost of the test ~~will may~~ be required as established from time to time by resolution of the city council. The amount of the deposit will be returned to the consumer if the meter is found to register ~~more than two percent fast outside of acceptable accuracy standards as established by American Water Works Association (AWWA)~~ under conditions of normal operation, otherwise the amount of deposit will be retained by the ~~water department~~city. A consumer shall have the right to require that the meter be tested in his or her presence, or if he or she so desires, in the presence of an expert or other representative appointed by the consumer. The consumer will be notified in advance of the time and place the test will be made.

(b) A report giving the name of the consumer, date of request, location of premises, the type, make, size and number of the meter, the date of removal, the date tested and the result of the test, will be supplied to the consumer within a reasonable time after the completion of the test.

(c) All meters will be tested at the time of installation, and no meter will be placed in service or allowed to remain in service which has an error in registration ~~, in excess of two percent, outside of acceptable accuracy standards established by American Water Works Association (AWWA)~~ under conditions of normal operation.

SECTION 13. SECTION 12.24.140. AMENDED. Section 12.24.140 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.140. Meter test—Refund or rebilling.

(a) When a meter is found to be more than two percent fast, the ~~water department~~city shall refund to the consumer the overcharge, based on the corrected meter readings for the period in which the meter was in use, not exceeding six months, unless it can be shown that the error was due to some cause, the date of which can be fixed, in this case, the overcharge shall be computed back to, but not beyond, such date.

(b) If, in the case of domestic or residential use, the meter upon test is found not to register, or to register less than seventy-five percent of the actual consumption, an average bill, or a bill for the water consumed, but not covered by the bill previously rendered for a period not to exceed three ~~months~~billing periods, may be rendered by the ~~water department~~city to the consumer.

(c) If a meter for commercial service, upon test as herein provided, is found to register more than two percent slow, the water department may render a bill for water consumed, but not covered by bills previously rendered for a period not exceeding three ~~months~~billing periods.

SECTION 14. SECTION 12.24.150. AMENDED. Section 12.24.150 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.150. Service failures or shortages—Nonliability of city—Notice of service interruption.

(a)- The ~~water department~~city will exercise reasonable care and diligence to furnish and deliver a continuous and sufficient supply of water to the consumer, and to avoid any shortage or interruption of delivery. The city ~~or water department~~ will not be liable for the failure, interruption, shortage or insufficiency of supply, or any loss or damage occasioned thereby, during a fire or at any other time.

(b)- The ~~water department~~city, whenever it finds it necessary for the purpose of making repairs or improvements to its system, will have the right to suspend temporarily the delivery of water, but in all cases as reasonable notice thereof as circumstances will permit will be given to the consumers.

SECTION 15. SECTION 12.24.170. AMENDED. Section 12.24.170 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.170. Fire—Water shut-off—Use of hydrants—Right of ingress and egress.

(a)- In case of fire or an alarm of fire, the ~~water department~~city shall have the right to shut off water from any consumer or any number of consumers, without notice and to keep it shut off as long as it may be necessary.

(b) In case of fire or an alarm of fire, the use of fountains or yard or street sprinklers or house faucets is prohibited.

(c)- No person shall, except in case of fire, use water from or tamper with any city hydrant without a permit from the ~~water department~~city.

(d) Any duly authorized agent or employee of the ~~water department~~city shall at all times have the right of ingress to and egress from the consumer's premises at all reasonable hours for any purpose reasonably connected with the furnishing of water and the exercise of any and all rights secured to the ~~water department~~city by law.

SECTION 16. SECTION 12.24.180. AMENDED. Section 12.24.180 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.180. Turning on water officially shut off deemed misdemeanor.

Only duly authorized employees of the ~~water department~~city are allowed to turn on water to any consumer's premises. It shall constitute a misdemeanor for any person, other than an employee of the ~~water department~~city, to turn on any water service that has been officially shut off for the violation of any of the rules and regulations of the ~~water department~~city.

SECTION 18. SECTION 12.24.190. AMENDED. Section 12.24.190 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.190. Right to limit amount of water.

The ~~department-city~~ shall have the right to limit the amount of water furnished to any consumer should circumstances seem to warrant such action, although no limit may be stated in the application or permit for such use.

SECTION 19. SECTION 12.24.220. AMENDED. Section 12.24.220 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.220. Fire service pipe rules.

In all cases the ~~department-city~~ shall decide the size of the fire service pipe required, which shall be determined by the size of the street main, the available pressure on the main and the nature and capacity of the fire protection equipment within the building. In all cases where underwriter's pumps are to be installed, a suction pipe of sufficient internal area to deliver a quantity of water equal to the full rated capacity of the service pipe will be allowed, and no enlargement of said suction pipe inside the premises will be permitted.

SECTION 19. SECTION 12.24.230. AMENDED. Section 12.24.230 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.230. Meter removal for non-use—Resetting charge.

Where a service has not been used for a period of six months the meter ~~shall may~~ be removed and a ~~charge of one dollar fee may be required shall be made~~ for resetting the meter as established by resolution of the city council.

SECTION 20. SECTION 12.24.240. AMENDED. Section 12.24.240 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.240. Special water contracts.

If any sale of water should be made under conditions such that the rates herein set forth are not applicable, the ~~water department~~city may, with the approval of the city council, enter into a special contract with the consumer.

SECTION 21. ~~SECTION 12.24.250.~~ AMENDED. Section 12.24.250 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.250. Damage to ~~water department~~city property.

If any person destroys or damages any fire hydrant, water main or any other property owned by the city which is part of the city's system for water use and delivery, of the municipal water department, he shall be held responsible for the entire cost of replacing or repairing the same and the bill shall be due and payable on presentation. If said person is a consumer of city water, the bill for such costs may be added to his bill for water service and collected under the same rules and regulations.

SECTION 22. SECTION 12.24.260. AMENDED. Section 12.24.260 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.260. Right to test privately owned meter.

If the ~~water superintendent~~director of environmental services has any reason to believe that any privately owned meter is not registering correctly, ~~he~~ the city shall have the right to test such meter or require the owner to test the meter in ~~his~~the presence of city staff, as may be determined by the owner.

SECTION 23. SECTION 12.24.280 AMENDED. Section 12.24.280 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.280. Water, sewer and utility service—Refusal—Grounds.

The ~~bureau of public works or other proper authority, of the~~ city may, in its discretion, refuse to supply water and sewage service to any applicant therefor, or may refuse to certify any applicant to the Pacific Gas and Electric Company for gas and/or electric service, who has not first obtained any permit, license or other clearance required to be obtained, in connection with the improvement for which

service is sought by any ordinance of this city, the county of Santa Clara, or the laws of the state of California.

SECTION 24. SECTION 12.28.040 AMENDED. Section 12.28.040 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.040. Approved backflow prevention ~~double check valve~~ assembly defined.

“Approved backflow prevention assembly” means an assembly which has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated its competency to perform such tests to the State Water Resources Control Board.~~Approved double check valve assembly” means an assembly of at least two independently acting approved check valves including tightly closing shutoff valves on each side of the check valve assembly and suitable leak detector drains plus connections available for testing and watertightness of each check valve. Unless otherwise authorized by the director, a pressure relief valve, rated at no more than fifty p.s.i. greater than the water service pressure, shall be installed on the downstream side of the double check valve assembly.~~

SECTION 25. SECTION 12.28.060 AMENDED. Section 12.28.060 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.060. Approved water supply defined.

“Approved water supply” means any water supply approved by, or under the public health supervision of, a public health agency of the state of California, the county of Santa Clara, or the city of Sunnyvale. In determining what constitutes an approved water supply, the ~~Department of Public Health of the state of California (herein called State Department of Public Health)~~State Water Resources Control Board shall have the final judgment as to its safety and potability.

SECTION 26. SECTION 12.28.050 ADDED. Section 12.28.050 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby added as follows:

12.28.050. Responsibility.

The City of Sunnyvale shall be responsible for implementing and enforcing the Cross-Connection Control Program Policies and Regulations. If, in the judgment of the director or his authorized representatives an approved Backflow Prevention Assembly is required (at the customer’s or owner’s water service connection or within the private water system) the City of Sunnyvale shall give notice in writing to said customer or owner. The appropriate Backflow

Prevention Assembly shall be immediately installed by and at the expense of the customer or owner at each connection where required to prevent backflow from the customer's or owner's premises to the public potable water system. It shall be the customer's or owner's responsibility to comply with the City of Sunnyvale's requirements and failure to do so shall constitute grounds for the termination of water service until such requirements have been met.

SECTION 27. SECTION 12.28.110 AMENDED. Section 12.28.110 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.110. Consumer defined.

"Consumer" means any person to whom water is sold ~~and or~~ furnished from the city water supply by the city of Sunnyvale.

SECTION 28. SECTION 12.28.115 ADDED. Section 12.28.115 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.115. Owner defined.

"Owner" means the person, firm or corporation in which title in the underlying land is vested, or a duly authorized agent of such owner.

SECTION 29. SECTION 12.28.140 AMENDED. Section 12.28.140 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.140. Director defined.

"Director" means the director of ~~public works~~ environmental services of the city of Sunnyvale, or his authorized representatives.

SECTION 30. SECTION 12.28.260 AMENDED. Section 12.28.260 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.170. Protective device defined.

"Protective device" means any of the following devices:

(a)-(b) [Text unchanged]

~~(c) — Approved double check valve assembly.~~

SECTION 31. SECTION 12.28.175 ADDED. Section 12.28.175 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.175. Reduced-pressure principle detector assembly (RPDA).

An assembly composed of a line-size, approved reduced-pressure principle backflow prevention assembly with a bypass containing a city specific water meter and an approved reduced-pressure principle backflow prevention assembly. The city meter shall register accurately for only very low flow rates, up to 3 gallons per minute, and shall show a registration for all rates of flow.

SECTION 32. SECTION 12.28.180 AMENDED. Section 12.28.180 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.180. Service connection defined.

“Service connection” means the terminal end of a service connection from the city water supply at its point of delivery to the consumer or owner. If a meter is installed “service connection” means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or approved backflow protective device located at the point of delivery to the consumer or owner shall be permitted.

SECTION 33. SECTION 12.28.185 ADDED. Section 12.28.185 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.185. Types of Protection Required

The type of assembly required to prevent backflow into the city’s water system shall be of this type: Reduced Principle Backflow Prevention Assembly (RP), Reduced Principle Detector Backflow Prevention Assembly (RPDA), and Air-Gap Separation Installations (AG).

SECTION 34. SECTION 12.28.190 AMENDED. Section 12.28.190 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.190. Where protection required – Auxiliary water supply and multiple service connections

(a) Each service connection from the city water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the city water supply, unless the auxiliary water supply is an approved water supply or is accepted as an additional source by the director and is approved by the State ~~Department of Public Health~~ Water Resources Control Board.

(b) If the auxiliary water supply is not an approved water supply, or if it is not accepted as an additional source and approved in the manner specified above, and the auxiliary water supply is handled in a separate piping system with no known cross-connection, the city water supply shall be protected by an approved reduced pressure principle backflow prevention ~~double-check valve~~ assembly installed at the service connection to the premises. When the auxiliary

water supply may be contaminated, the director may order the city water supply protected by an air gap separation or an approved reduced pressure principle backflow prevention device installed at the service connection.

(c) Premises where the water system has more than one service connection.~~If the auxiliary water supply is not an approved water supply, or if it is not accepted as an additional source and approved in the manner specified above, and cross connections are known to exist between the city water supply and the auxiliary water supply which cannot presently be eliminated, the city water supply shall be protected by an approved reduced pressure principle backflow prevention device installed at the service connection to the premises. A double check valve assembly may be used in lieu of such device if the experience of the director indicates that double check valves are reliably operated, and if approved by the director and the city health officer.~~

When the auxiliary water supply may be contaminated, the director may order the city water supply protected by an air gap separation installed at the service connection.

SECTION 35. SECTION 12.28.195 ADDED. Section 12.28.195 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.195. Where protection required—Existing water services without backflow protection

City will inspect the premises of existing service connections which in the opinion of the director may require backflow prevention. If it is determined by the director that a backflow prevention device is required, the installation of a backflow prevention device shall be a condition of continued water service.

SECTION 36. SECTION 12.28.196 ADDED. Section 12.28.196 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.196. Where protection required—Upgrading of existing backflow protection devices

An existing backflow prevention device which, in the opinion of the director, is a type that does not provide adequate protection for the degree of potential hazard from backflow shall be upgraded. Upgrading may include complete replacement and relocation of the backflow prevention device, installation of additional devices, and or correction of any on-site cross-connection hazards.

SECTION 37. SECTION 12.28.210 AMENDED. Section 12.28.210 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.210. Where protection required—Toxic or hazardous substances not under pressure.

At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is not handled under pressure but is otherwise handled in such a manner as to constitute a cross-connection, the city water supply shall be protected by an approved reduced pressure principle backflow prevention device, unless such cross-connection is abated to the satisfaction of the director and approved by the city health officer. ~~An approved double check valve assembly may be used in lieu of such device if experience indicates that double check valves are reliably operated and if approved by the director and the city health officer.~~

SECTION 38. SECTION 12.28.220 AMENDED. Section 12.28.220 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.220. Where protection required—Nonhazardous substances.

At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the city water supply is handled in such a manner as to constitute a cross-connection, the city water supply shall be protected by ~~an~~ reduced pressure principle prevention approved double check valve assembly unless such cross-connection is abated to the satisfaction of the director and approved by the city health officer.

SECTION 39. SECTION 12.28.230 AMENDED. Section 12.28.230 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.230. Where protection required—Sewage treatment plants and pumping stations.

At the service connection to any sewage treatment plant or sewage pumping station, the city water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service cock and all piping between the service cock and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the city water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing this alternative is acceptable to both the director and the city health officer. A final decision in this matter shall be made by the State Water Resources Control Board~~Department of Public Health~~.

SECTION 40. SECTION 12.28.260 AMENDED. Section 12.28.260 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.260. Where protection required—Consumer or Owner responsibility.

It shall be the responsibility of each consumer or owner at his own expense to furnish, install, and keep in good working order and safe condition any

and all protective devices required in this chapter. The city shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any consumer or any other person.

SECTION 41. SECTION 12.28.270 AMENDED. Section 12.28.270 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.270. Where protection required—Conflicts.

Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer or owner shall be required only to install the protective device which, in the opinion of the director and city health officer, affords the maximum protection to the city water supply.

SECTION 42. SECTION 12.28.280 AMENDED. Section 12.28.280 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.280. Inspections—Required—Repair or replacement—Records—Cost.

The consumer or owner on whose premises any protective device is installed shall have each such device inspected annually. If successive inspections disclose repeated failures in the operation of any device, the director may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer or owner whenever it is found to be defective. Records of such tests, repairs, and overhauls shall be kept and made available to the director ~~and the city health officer~~. The director shall have the duty of determining that the inspections required herein are performed properly. If following demand therefor the consumer or owner fails to have any of the inspections made as required herein or to make the above-described records available, the director shall have the right to inspect the device and the consumer or owner shall pay the cost thereof. The cost of any inspection made by the director ~~shall may~~ be included as a part of the next ensuing municipal water bill presented to the consumer.

SECTION 43. SECTION 12.28.290 AMENDED. Section 12.28.290 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.290. Noncompliance—Protection required for service connection.

No water service connection shall be installed on the premises of any consumer or owner unless the city water supply is protected as required by this chapter.

Approval must be obtained from the city before a backflow prevention assembly can be installed, removed, relocated or replaced, and an Inspection Permit must be obtained from the city before any work can be started.

It is prohibited to install, remove, relocate, replace, or tamper with a backflow prevention assembly or if the director finds evidence that an installed backflow prevention assembly has been by-passed, modified, made, or allowed to remain ineffective.

It is prohibited for any consumer or owner, company, corporation or association, who fails to install, or permit to be installed, backflow prevention assemblies as required by this ordinance, the Cross-Connection Control Program Policies and Regulations, or who by-passes, alters or refuses to maintain a backflow prevention assembly.

Failure to adhere to any portion of this section, if said person is a consumer of city water, the bill for such costs may be added to his bill for water service and collected under the same rules and regulations.

SECTION 44. SECTION 12.28.300 AMENDED. Section 12.28.300 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.300. Noncompliance—Discontinuance of service.

Delivery of water to the premises of any consumer or owner may be discontinued by the director if any protective device required by this chapter has not been installed, inspected, tested and maintained, or is defective, or has been removed or bypassed.

SECTION 45. SECTION 12.28.310 AMENDED. Section 12.28.310 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.310. Noncompliance—Discontinuance without notice when.

Delivery of water shall be discontinued immediately and without notice to the consumer or the owner if the director or city health officer determines that:

- (a) The city water supply is being contaminated or is in immediate danger of contamination;
- (b) A protective device required by this chapter has not been installed, or is defective, or has been removed or bypassed; and
- (c) The consumer or owner cannot immediately be located. Delivery of water shall not be resumed until any protective device required by this chapter and approved by the director has been properly installed, or until conditions at the consumer's or owner's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the director and the city health officer.

SECTION 46. SECTION 12.28.320 AMENDED. Section 12.28.320 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.320. Noncompliance—Discontinuance—Notice.

(a) Except as provided in Section 12.28.310, delivery of water shall not be discontinued until written notice thereof has been given to the consumer owner.

(b) [Text unchanged]

(1)-(3) [Text unchanged]

(c) The ~~director-city~~ may grant the consumer or owner an extension of an additional period not to exceed ninety days if he determines the consumer or owner has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(d) The notice shall be given by delivering the same to the consumer, owner,~~the~~ manager or agent thereof, or to any person in charge of, or employed in the place of business of the consumer or owner; or, if the consumer has no place of business, then at the place of residence of the consumer or owner if known, or by leaving the notice at either the place of business or the residence of the consumer or owner. If the consumer or owner cannot be found and service of the notice cannot be made in the manner provided herein, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the consumer or owner at the place of business or residence set forth in the application of consumer for water service in the records of the city.

(e) Once discontinued, delivery of water shall not be resumed until any protective device required by this chapter and approved by the director has been properly installed, or until the conditions at the consumer's or owner's premises creating the need for a protective device have been abated or corrected to the satisfaction of the director and the city health officer.

SECTION 47. SECTION 12.28.330 AMENDED. Section 12.28.330 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.330. Noncompliance—Right of entry for inspections.

For the purpose of making any inspections or discharging the duties imposed by this chapter, the director and city health officer shall have the right to enter upon the premises of any consumer or owner. Each consumer or owner as a condition of the continued delivery to his premises of water from the city water supply shall be considered as having stated his consent to the entry upon his premises of the director and city health officer for the purposes stated herein.

SECTION 48. SECTION 12.28.340 ADDED. Section 12.28.340 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.340. City requirements for approved backflow prevention assembly testers and installers.

In order to ensure that the testing and installation of backflow prevention devices are performed by technically competent individuals who are personally responsible and, are employed by persons and/or organizations which are also responsible, the city is authorized to establish and implement procedures set forth in the Cross-Connection Control Program Policies and Regulations consistent with this Ordinance for the approval by city of backflow prevention testers and installers.

(a) No person shall perform tests or install backflow prevention devices in the city unless he or she has been approved to do so by the city. No person, firm, corporation or other form of business organization shall permit an employee to perform tests or installations of backflow prevention devices in the city unless such employee has been approved to do so by the city.

(b) The approval procedures shall require each prospective tester and installer to submit an application to the city providing such information as the city may determine to be reasonably necessary to establish the applicant's technical competence and personal responsibility.

(c) The city shall review each application and may make such other investigation of the applicant, and the applicant's employer, as the city considers appropriate to determine the responsibility of the applicant and the applicant's employer, including but not limited to, verifying information submitted by the applicant.

(d) The city shall compile, and update no less frequently than annually, a list of the names, business addresses and telephone numbers of all approved testers and installers and shall make the current version of such list available to city customers.

(e) The city may require an approved tester to (1) demonstrate backflow prevention device testing procedures in the field, and (2) provide advance notice to the city of scheduled backflow prevention device testing, installation or repair work so that it may be observed by the city.

(f) The city may use backflow prevention assembly testers and installers who have been approved by the American Water Works Association (AWWA) and that have: (i) either a C36, A or B Contractors License, issued by the state of California Contractors License Board, (ii) evidence that they are bonded for a minimum of \$1,000,000.00, (iii) the ability to legally perform all required work within the City limits and (iv) submitted a statement to the Director swearing under oath that all work performed within the City shall be undertaken consistent with the "Cross-Connection Control Program Policies and Regulations".

(g) Each backflow prevention assembly tester and installer may be permitted for a period not to exceed one year. However, permits may be revoked.

suspended, or not renewed by the city, at the Director's discretion, for improper testing, repairs, or reporting; failure to maintain a AWWA backflow certificate or their state of California contractor's license, failure to maintain the appropriate level of bonding; violation of the Cross-Connection Control Program Policies and Regulations, or installs, repairs or tests the devices in a negligent manner or any other reason deemed appropriate by the director.

SECTION 49. SECTION 12.40.080 AMENDED. Section 12.40.080 of Chapter 12.40 (Wastewater Capacity Allocation) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.40.080. Issuance of declaration of restrictions.

In the event that any baseline limit for any of the wastewater capacity allocation categories is reached, and a Declaration of Need for Wastewater Capacity Evaluation is declared, and in the further event that the ensuing study indicates that the new baseline limit has already been exceeded, then the director of community development, or his or her designate, shall cause to be filed with the city clerk, a Declaration of Restrictions. The city clerk shall cause such Declaration of Restrictions to be published within ten (10) days in the official newspaper of the city. The Declaration of Restrictions shall state that the following restrictions shall go into effect within ten days from the date of publication:

(a)-(b) [Text unchanged]

(c) When required by the director of ~~public-works~~environmental services, discharge rates for purposes of this section shall be measured by a water inflow meter, installed at a location approved by the city, permitting measurement of all water capable of being discharged directly into the city's sewerage system, or by an effluent meter directly measuring discharge flows. Installation and maintenance of such meters when so required shall be at the expense of the users.

SECTION 50. SECTION 12.50.010 AMENDED. Section 12.50.010 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.010. Notice to utility customers included in billings.

Within each invoice, statement, or billing for water, sewer, or garbage service, or any combination thereof, there shall be attached, enclosed, or included a notice reading substantially as follows:

NOTICE TO CUSTOMERS: If you believe that you have been overcharged for water, sewer service, or garbage collection service rendered, or that you have been charged for service not rendered, please telephone ~~730-7400~~the number designated for such purposes in this notice and you will be given an explanation of how the amount you were charged was computed. If you are not satisfied with this explanation and still wish to dispute the matter you have the right to have the matter heard by an employee of the city of Sunnyvale who has the power to

resolve the dispute. To arrange for an informal hearing please ~~telephone 730-7400~~
~~telephone the following number:~~ _____ no later than fifteen (15) days
after the date mentioned on your statement, or submit your request in writing ~~to~~
~~the following address:~~ _____ ~~to Utility Billing Supervisor,~~
~~P.O. Box 400, Sunnyvale, CA 94088,~~ postmarked or received not later than
fifteen (15) days after that date. Failure to request a hearing before the deadline
will result in the loss of a right to a hearing on this matter. Failure to pay the
amount of your bill not later than (a) 15 days from the date of the hearing; or (b)
25 days from the date of your statement, whichever occurs later, may result in the
discontinuation of your water, sewer, or garbage service.

SECTION 51. SECTION 12.50.030 AMENDED. Section 12.50.030 of Chapter 12.50
(Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the
Sunnyvale Municipal Code is hereby amended as follows:

12.50.030. Hearing—Procedure.

Upon receipt of a request for hearing, a hearing shall be scheduled not
later than ten days from the date of the request. The hearing shall be conducted in
an informal manner by an employee of the city designated by the director of
finance to conduct such a hearing. At the hearing evidence may be presented and
shall be considered bearing on whether the correct amount has been charged for
the service which has been rendered. ~~At the conclusion of~~Following the hearing,
the person conducting the hearing shall make a decision based upon the evidence
and shall have the authority to adjust the amount due in a fair and equitable
manner.

SECTION 52. SECTION 12.50.040 AMENDED. Section 12.50.040 of Chapter 12.50
(Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the
Sunnyvale Municipal Code is hereby amended as follows:

12.50.040. When utility service may be discontinued.

- (a) [Text unchanged]
- (b) If a hearing shall have been requested and conducted and the
person in charge of conducting of the hearing shall have determined the amount to
be due thereafter, and the amount determined to be due is not paid in full within
fifteen days of the date of such decision, or 25 days from the date of the
statement, whichever is later, the city shall have the right to discontinue the
service or services for which billing was rendered provided that any procedures
required for discontinuance of service required by this chapter are followed.

SECTION 53. SECTION 12.50.060 AMENDED. Section 12.50.060 of Chapter 12.50
(Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the
Sunnyvale Municipal Code is hereby amended as follows:

12.50.060. Discontinuation of service—Nonpayment.

- (a)-(b) [Text unchanged]

(c) The director of finance shall make a reasonable, good faith effort to contact an adult person managing, in charge of, or residing at the premises of the customer by telephone or in person at least ~~48 hours~~ 10 days prior to any termination of service. The director of finance shall maintain records documenting any such telephone or personal contacts or attempts thereat. If a successful contact is made, the person contacted shall be given the information set forth in paragraphs (1), (2), (3), (6), and (7) of subsection (d).

(d) [Text unchanged]

(1)-(7) [Text unchanged]

(e) No water, sewer, or garbage collection service shall be terminated for nonpayment in any of the following situations:

(1)-(2) [Text unchanged]

(3) On the written certification of a licensed physician ~~and surgeon~~ that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the city pursuant to subsection (h) with respect to all charges that the customer is unable to pay prior to delinquency.

(f)-(i) [Text unchanged]

SECTION 54. SECTION 12.50.070 AMENDED. Section 12.50.070 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.070. Deposits—When required.

(a) The director of finance ~~shall~~ may require any customer to whom water, sewer, and/or garbage service has been discontinued two or more times within a twelve month period for failure to pay the amounts due for water, sewer, or garbage collection service billings from the city, or any combination thereof, to pay to the city a deposit as a condition to receiving continued service at the same location or new service at a different location. When the customer is presently receiving such service, the customer shall be given a notice that such deposit is required with his or her bill for service. Failure to pay such deposit within the time required shall be treated in the same manner as other nonpayments of amounts due for purposes of this chapter.

(b) The director of finance ~~shall~~ may require all customers who are receiving or have applied or requested receipt of garbage collection service and are not receiving or will not receive water ~~or sewer~~ service from the city to pay to the city a deposit. Payment of such deposit by persons not receiving garbage service shall be a condition precedent to receipt of such service. The customer shall be given a notice that such deposit is required with his or her next bill for service. Failure to pay such deposit within the time required shall be treated in the same manner as other nonpayments of amounts due for purposes of this chapter.

(c)-(d) [Text unchanged]

SECTION 55. SECTION 12.50.080 DELETED. Section 12.50.080 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 56. SECTION 12.50.090 DELETED. Section 12.50.090 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 57. SECTION 12.50.110 AMENDED. Section 12.50.110 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.110. Delinquent bills—Lien and tax roll procedure.

(a) The director of finance may cause charges for water service, sewer service, and/or garbage collection service which are delinquent for not less than sixty days to be collected on the tax roll in the same manner, by the same persons and at the same time as, together with and not separate from, its general taxes.

(b)-(e) [Text unchanged]

(f) ~~On or after August 31 of each year following~~After the final determination ~~upon of~~ each charge the city clerk shall file with the director of finance a copy of the report prepared pursuant to this section with a statement endorsed of the report over his or her signature that the report has been finally adopted by the city council. The director of finance shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. If the property is not described on the roll, the auditor may enter the description on the roll together with the amounts of the charges, as shown in the report.

(g)-(h) [Text unchanged]

SECTION 58. SECTION 12.60.030 AMENDED. Section 12.60.030 of Chapter 12.60 (Stormwater Management) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.60.030. Administration.

This chapter shall be administered jointly by the director of community development, ~~and~~ the director of public works, ~~and the department of environmental services~~. Any powers granted to or duties imposed upon these individuals to administer, implement and enforce the provisions of this chapter may be delegated to other city personnel.

SECTION 59. SECTION 12.60.040 AMENDED. Section 12.60.040 of Chapter 12.60 (Stormwater Management) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.60.040. Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings given to them in this section. Words and phrases not defined in this chapter shall have the definitions set forth in the permit or by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as they currently exist or may be amended.

(a) [Text unchanged]
(b) “Authorized enforcement official” means the director of public works, ~~or~~ the director of community development, or the director of environmental services and their designees.

(c) [Text unchanged]
(1)-(3) [Text unchanged]
(d) [Text unchanged]
(e) “BMP Guidance Manual” as revised means the manual approved by the city of Sunnyvale directors of the public works, ~~and~~ community development, and environmental services departments, as amended from time to time, that sets forth guidance, design standards and best management practices for stormwater treatment measures, which shall be utilized by developers and property owners to comply with this chapter. A copy of the BMP Guidance Manual may be obtained from the city’s planning division.

(f)-(l) [Text unchanged]
(m) “Director” means either the director of public works, ~~or~~ community development, or environmental services departments.

(n)-(w) [Text unchanged]
(x) [Text unchanged]
(1)-(2) [Text unchanged]
(y)-(mm) [Text unchanged]
(nn) [Text unchanged]
(1)-(2) [Text unchanged]
(oo)-(rr) [Text unchanged]

SECTION 60. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 61. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this

ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 62. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 63. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney