

ATTACHMENT 6

SECTION 3: Amendment. Section 13.04.010 is hereby amended as follows:

~~13.04.010 Meters required.~~

~~A. Except as provided in subsection B of this section, all water supplied by the city waterworks to its consumers shall be measured by means of suitable water meters and a cubic foot shall be the unit of measurement.~~

~~B. When requested by a developer of a project in the city, no separate water meter shall be required to be installed to measure water usage to landscaped areas within the public right-of-way provided the director of public works determines that it is impractical or undesirable to install such meter.~~

13.04.010 Meters and Water Meter Installation Fee Required

C. All water supplied by the city waterworks to its consumers shall be measured by means of a suitable water meter sized based on the peak demand of the ne connection without the use of booster pumps and a cubic foot shall be the unit of measurement.

D. Prior to the connection of a new water meter, the applicant shall pay a water meter installation fee to be established by the City Council by ordinance or resolution. The water meter installation fee shall not exceed the City's estimated reasonable costs of installing the water meter.

E. When water demands of an existing connection exceed the capacity of the water service line or meter in use, the City may require the installation of a larger service line and/or meter and consumer shall pay all upsizing fees (water capacity charges, water meter installation fees, etc.).

SECTION 4: Amendment. Section 13.04.020 is hereby amended as follows:

~~13.04.020 Connection fees and capacity charges.~~

~~A. Surface Water Debt Service Fee. Prior to connection of a new water meter, the applicant shall pay a surface water debt service fee in accordance with the following schedule:~~

Meter Size	Surface Water Debt Service Fee
5/8" & 3/4"	\$4,275.00
1"	\$7,312.00
1-1/2"	\$14,580.00
2"	\$23,335.00
3"	\$43,783.00

ATTACHMENT 6

4"	\$72,983.00
6"	\$145,924.00
8"	\$233,487.00

~~B. Water Meter Installation Fee. Prior to connection of a new water meter, the applicant shall pay a water meter installation fee in accordance with the following schedule:~~

Meter Size	Meter Installation Fee
5/8" & 3/4"	\$335.00
1"	\$472.00
1-1/2"	\$818.00
2"	\$953.00
3"	\$4,506.00
4"	\$5,462.00
6"	\$15,452.00
8"	\$19,928.00

~~C. Surface Water Capital Fee. Prior to connection of a new water meter, the applicant shall pay a surface water capital fee in accordance with the following schedule:~~

Meter Size	Surface Water Capital Fee
5/8" & 3/4"	\$133.00
1"	\$223.00
1-1/2"	\$443.00
2"	\$710.00
3"	\$1,330.00
4"	\$2,218.00
6"	\$4,435.00
8"	\$7,099.00

~~D. The connection fees and capacity charges set forth in subsections A, B and C of this section shall be adjusted beginning January 1, 2010 based on the change of the Twenty-City U.S. Average Engineering News Record Official July Construction Costs Index.~~

~~E. Well System Conversion. Connection fees and capacity charges as set forth in subsections A, B and C of this section for residential dwellings existing and lawfully occupied as of July 1, 1991 within the city limits utilizing a well system may be paid over a five-year period (twenty percent of the charge per year), where the dwelling is owner-occupied at the time of application for connection and the household income for the occupants of the dwelling does not exceed the moderate income level designated by the income standards used by the county in administering community development block grant funding in effect at the time of application. In such cases, the first payment shall be made at the time of actual connection to the city system, and the remaining payments shall be due annually on the anniversary date of the connection.~~

ATTACHMENT 6

~~F. Notwithstanding subsection C, the surface water capital fee required by this section for a residential development shall be paid upon final inspection, or the date the certificate of occupancy is issued, whichever occurs first. The fees assessed shall be paid in an amount equal to the fees in effect at the time that a developer submits a complete and adequate application for a building permit for such development. If the required fee is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, shall execute a "Development Fee Deferral Agreement and Notice of Lien with Power of Sale" to pay the fee or charge, or applicable portion thereof, within the time specified above. The contract shall be recorded with the San Joaquin County recorder and shall constitute a lien for the payment of the fee. No certificate of occupancy for a dwelling unit within a residential development subject to this section will be issued unless and until the fees are paid in full. For purposes of this section, "final inspection" and "certificate of occupancy" shall be defined as those terms are defined in Government Code Section 66007, as amended.~~

13.04.020 Water Capacity and Meter Installation Fees

- A. Except as otherwise provided in this Section, persons applying for a new or expanded water service shall pay a water capacity fee in an amount established by ordinance or resolution of the City Council in accordance with a nexus study that demonstrates that the fees do not exceed the estimated reasonable costs of providing the services and/or facilities for which the fees are imposed. Unless otherwise required by law, said fee shall be collected at the time an application for installation of a new or expanded water service meter is filed with the City.
- B. Purpose. The purpose of the water capacity fee is to fund a proportionate share of the costs of existing and future water system facilities and assets that are reasonably necessary to provide water capacity for new development. For the purposes of this section, "new development" means all new building construction, conversion to a new use, or additional use within an existing building that creates a need for additional water capacity. The purposes of the water capacity fee include the purposes of the former Surface Water Debt Service Fee and the former Surface Water Capital Fee.
- C. Determination of Required Fees.
 - 1. The Public Work's Director or the Director's designee shall be responsible for determining the fees required by this section. This determination shall be made at the time of application for new or increased water service.
 - 2. If new development changes or intensifies the existing use on the project site, thereby requiring the payment of a new or additional water capacity fee, the then current fee amount associated with the existing use on the project site shall be credited against the new total fee due, as determined by the Public Works Director;

ATTACHMENT 6

provided, however, that in no event shall the city refund the fees previously paid.

3. All fees shall be modified automatically on an annual basis, each July 1, in accordance with the change in the Twenty-City U.S. Average Engineering News Record Official July Construction Costs Index. This adjustment shall not require any action of the city council.

D. Water Capacity Fee Fund. The revenues from the water capacity fee shall be deposited in a segregated water capacity fee fund for the purpose of funding public facilities reasonably necessary to provide water capacity service to new or expanded connections to the City's water system.

E. Fee Adjustments.

1. Any person subject to the water capacity fee may apply to the Public Works Director or the Director's designee, for a reduction, adjustment or waiver of that fee based upon the applicant's contention that (1) the amount of the fee is not reasonably related to the costs of providing water capacity to the new or expanded water connection; (2) the fee is not roughly proportionate to the water connection's impacts on the City's water system; or (3) the fee requires the person to pay more than is necessary to address the impacts of the new or expanded water connection on the City's water system.

2. Application. An applicant shall file a written request to adjust fees with the Public Works Director not later than 10 days after the city notifies the applicant of the amount of the fee to be charged. Additional time, as determined by the Public Works Director, will be allowed when significant additional information is required of the applicant. The application shall provide evidence illustrating that the payment of the fee authorized by this chapter and imposed by implementing resolution bears no reasonable relationship and/or is not roughly proportionate to the impacts of the connection on the City's water system and shall state in detail the factual basis for the request for reduction, adjustment or waiver. If an applicant desires to receive a water connection prior to the city's issuance of a final determination on the adjustment application, the applicant shall deposit the fee with the application. Such fee or portion thereof will be refunded if the application is successful.

3. Decision of the Public Works Director. The Public Works Director shall issue a decision on the application within 30 days after the application is filed. The Public Works Director shall consider evidence from the applicant, from other city departments imposing the fee or charge, and from other persons who may have personal knowledge of relevant information concerning the fee or charge. The Director's decision shall state his or her determination regarding the amount of the water capacity fee that may reasonably be imposed on the new development and include a brief description of the basis for the decision. The decision of the Public Works Director is final.

ATTACHMENT 6

F. Exemptions. The following water connection types shall be exempt from paying the Water Capacity Fee.

1. Accessory dwelling units.

2. Interim Residential New Connections. Residential dwelling units existing and lawfully occupied as of March 1, 2024, within the city limits, utilizing a well system, that have never been connected to the City's water system.

However, Interim Residential New Connections shall pay a fee to cover the City's administrative costs of processing the connection, to be established by the City Council by ordinance or resolution.