

ORDINANCE NO. 1438

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE AMENDING
CHAPTER 6.04 OF TITLE 6 OF THE MARYSVILLE MUNICIPAL CODE REGULATING
PAYMENT OF SEWER SERVICE CHARGES

WHEREAS, the City Council of the City of Marysville desires to amend portions of the Marysville Municipal Code to improve collection of sewer service charges such that customers responsibly paying their sewer bills are not subsidizing customers who are not paying their sewer bills;

WHEREAS, Health and Safety Code Sections 5470 *et seq* and other law authorizes, by legislative action, the specified processes to revise and collect fees, tolls, rates, rentals or other charges for services and facilities furnished in connection with a sewerage system; and

WHEREAS, following due and property public notice as required by law, the City Council has conducted a public hearing on this matter.

NOW, THEREFORE, the City Council of the City of Marysville does ordain as follows:

SECTION ONE. Statement of Purpose.

This Ordinance is intended to improve collection of sewer service charges from customers receiving sewer service in the City of Marysville. Inasmuch as sewer service is a property-related service, this Ordinance will ultimately result in the owner of the property receiving such service as the customer of record with responsibility for payment of sewer service charges.

SECTION TWO. Section 6.04.120 of the Marysville Municipal Code is amended to read in its entirety as follows:

(a) All users of the sanitary sewer system shall pay to the City for the use of such facilities, a sewer service charge. Such sewer service charge shall be imposed for the purpose of recovering all or a portion of the costs of operating the sanitary sewer system including operation and maintenance costs and capital and replacement costs.

(b) The City Council shall by resolution establish the amount of such sewer service charges and may classify or define various kinds of domestic or commercial sewage in accordance with their relative effects upon the operation of the sanitary sewer system and may provide for varying charges for operation and maintenance in accordance with the relative difficulty or cost to the City in accepting and treating the sewage.

(c) All such sewer service charges shall be a debt owed to the City and, in default of payment thereof, the City may utilize any of the remedies set forth in Section 6.04.130 for collection of such sewer service charges.

(d) On and after the effective date of this Ordinance, all new sewer service accounts shall be placed in the name of the owner of record (as reflected on the current Yuba County Assessor's roll) of the property receiving such sewer service. On and after the effective date of this Ordinance, any transfer of sewer service accounts must be transferred into the name of the owner of record of the property receiving sewer service. All sewer service accounts which remain delinquent as specified in Section 6.04.131 of this Code shall be transferred into the name of the owner of record of the property receiving such sewer service who shall thereafter be responsible for payment of the sewer service charges for sewer service provided to the property. The owner of the property receiving sewer service may consent that a non-owner person, firm or entity receive a duplicate bill for sewer service to the property in question and that such person, firm or entity may pay the charges for such service. Notwithstanding the property owner's consent to duplicate billing, the property owner shall remain primarily and personally responsible for all sewer service charges, including penalties and interest associated with sewer service provided to the owner's property.

SECTION THREE. Section 6.04.131 is hereby added to the Marysville Municipal Code:

6.04.131 Transfer of Delinquent Accounts into the name of the property owner.

In the event a sewer service account stands in the name of a person, firm or entity who is not the owner of record of the property receiving such service, and if such account is more than thirty (30) days delinquent, the City, or its billing agent on behalf of the City, shall provide written notice to the person, firm or entity in whose name the sewer service account is held and to the property owner of record as shown on the current Yuba County Assessor's roll which shall include the following information:

- (1) The service location, name and address;
- (2) The amount of the delinquency;
- (3) That payment of all delinquent amounts must be received within thirty (30) days of the date of the notice, or the owner of record's property will be subject to assessment and lien.
- (4) A description of procedures by which alternative payment arrangements can be made with respect to the delinquent service charges; and
- (5) Contact information for the notice recipients to discuss resolution of the delinquent charges.

Unless all delinquent charges have been paid within thirty (30) days of notice (or unless alternative arrangements have been made regarding such delinquent balance) the owner of record of the property receiving sewer service shall be personally responsible for sewer service charges provided to the property (whether or not the owner requests to be placed on the sewer service account) and additionally the owner's property shall be subject to assessment and lien pursuant to the provisions of Section 6.04.130.

SECTION FOUR. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City of Marysville hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION FIVE. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption by the Marysville City Council.

The foregoing Ordinance is passed by the City Council of the City of Marysville on the 4th day of January, 2022 by the following votes:


Ayes: Stuart Gilchrist, Brad Hudson, Bruce Buttacavoli and Chris Branscum

Noes: Dominique Belza

Absent: None

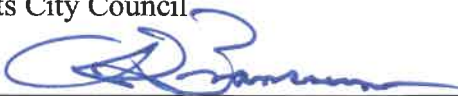
Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of January, 2022.

By: 
Nicole Moe, City Clerk

Attestation Date: 1/5/22

City of Maryville, California
By its City Council

By: 
Chris Branscum, Mayor