

ORDINANCE No. 50-06 N.S.

An Ordinance of the City Council of the City of Richmond Amending Chapter 12.16 of the Richmond Municipal Code Authorizing the City Engineer to Enforce the Provisions of the Ordinance and Establishing a Procedure for Entering City Incurred Costs on the Tax Assessment Roll

The Council of the City of Richmond do ordain as follows:

Section I. Amendment of Chapter 12.16.

Chapter 12.16 of the Richmond Municipal Code is hereby amended to read as follows:

**Chapter 12.16
SEWER AND WATER CONNECTIONS**

- 12.16.010 Sewer and water pipe connections required
- 12.16.020 Connections required for every separate lot
- 12.16.030 Notices to make connections
- 12.16.040 Record of notices to be kept
- 12.16.050 Costs to be entered on assessment roll
- 12.16.060 Lien must be paid before building on property affected by lien
- 12.16.070 Connections to be made without damage to streets

12.16.010 Sewer and water pipe connections required

All property owners owning or controlling property facing upon any of the streets or avenues of the City of Richmond shall lay or cause to be laid all necessary sewer and water pipe connections with the mains before said streets or avenues are bituminized, macadamized, or otherwise permanently improved.

12.16.020 Connections required for every separate lot

Every separate lot of twenty-five feet or more or any two lots adjoining shall be connected with the mains as provided in Section 12.16.010.

12.16.030 Notices to make connections

It shall be the duty of the *City Engineer* of the City of Richmond to give written notice to property owners, or their agents if known, or to the occupant of the property if any there be, or, if the owners or their agents are not known and there are no occupants, to post said notice conspicuously on said property, that sewer and water connections shall be made. Said notice shall briefly describe the work required, referring to this chapter, and shall contain a notification to the effect that unless said work shall be done within ten days, the *City Engineer* will do the same, and that the costs and expenses will be charged against and made, and are hereby declared to be a lien upon the said property. If said work is not done within ten days after the service and posting of said notice, it shall be the duty of the *City Engineer* forthwith to proceed to do the same.

12.16.040 Record of notices to be kept

The *City Engineer* shall keep a record of said notices. He shall also keep a separate record of the work done upon each piece, parcel or lot of land, and the costs and expenses of the same. *After the completion of the work, said City Engineer shall cause an itemized bill of the expenses to be mailed to the property owner.*

12.16.050 Costs to be entered on assessment roll

(a) *On a periodic basis as determined by the City Engineer, said City Engineer shall prepare and file with the City Clerk a report and assessment list which identifies all real property at which sewer connection work was done by the City pursuant to this chapter and for which the owner has not fully reimbursed the City within 30 days of the date of billing. The report and assessment list shall provide a description of the real property at which the work was performed, the expenses incurred by the City, and the names and addresses of the persons entitled to notice.*

(b) *Upon receipt of the report, the City Clerk shall post a notice of filing of the report in a conspicuous place in City Hall, with said notice specifying the filing date of the report and assessment list and the time and place when and where the report and assessment list will be submitted to the City Council for hearing and confirmation. The City Clerk shall also mail by first class mail a notice to each property owner identified in the report and assessment. Said notice shall provide a description of the real property at which the work was performed, and the expenses incurred by the City in performing the work and shall notify the owner that said costs shall be assessed against the owner of the property unless objection is made by the owner in writing and submitted to the City Clerk at least two days before the hearing. Said notice shall also specify the time and place when and where the proposed assessment will be presented to the City Council for hearing and confirmation. The notice shall be mailed at least ten (10) days prior to the date of said hearing.*

(c) *Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment at the City Council hearing must submit any and all objections in writing to the City Clerk at least two days prior to the date of hearing. The failure of any owner to submit objections to the City Clerk shall constitute a waiver of any such objection.*

(d) *At the time and place fixed for hearing and confirming the proposed assessments, the City Council shall hear the same. At such hearing, only those persons who have submitted written objections to the City Clerk will be heard by the Council. At said hearing, the City Council may correct, modify or eliminate any proposed assessment which it may deem excessive or otherwise incorrect. Thereafter, by vote and resolution, the Council shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order that an assessment be made a personal obligation of the owner or, alternatively, assess it against the property. If the Council orders that an assessment be charged as a personal obligation of the property owner, it shall direct appropriate City personnel to collect the same by use of all appropriate legal remedies. If the Council orders that an assessment be assessed against the property, it shall direct that the same be recorded on the tax assessment roll and thereafter said assessment shall constitute a special assessment and lien against the property. The special assessment and lien shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.*

12.16.060 Lien must be paid before building on property affected by lien

Any owner or person who desires to build upon any property affected by this lien shall first pay the lien before the owner or person will be allowed to make any house connections with any of the sewer or water pipes so laid. Every property owner who fails to make said sewer or water connections when so notified by the *City Engineer* shall pay, in addition to the lien for the costs and expenses of making such connections, the amount set forth in the *City's fee and rate schedule*, before the owner or person will be permitted to make any house connections with the sewer or water pipes so laid.

12.16.070 Connections to be made without damage to streets

All sewers and sewer connections, and gas and water mains shall be so laid that house connections can be made without tearing up the surface of any improved street. Thereafter, before any person shall be given a permit by the *City Engineer* to alter or remove the surface dressing of any improved street, a bond with two sufficient sureties in the amount set forth in the *City's fee and rate schedule* shall be given to the *City Engineer*. The bond shall guarantee that the condition of the altered street will be replaced in as good a condition as before the removal of the surface dressing and the *property owner* shall be held responsible for a period of one year to keep the part of the street so removed in good condition and good repair.

Section II. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each

section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph sentence clause or phrase.

Section III. Effective Date.

This ordinance shall take effect thirty (30) days following its adoption.

First read at a regular meeting of the City Council on July 18, 2006, and passed and adopted at a special meeting of the City Council held on July 25, 2006, by the following vote:

AYES: Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON
Mayor

Approved as to form:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 50-06 N.S., finally passed and adopted by the Council of the City of Richmond at a special meeting held on July 25, 2006, and published in accordance with law.