



For the Meeting of: June 19, 2008

Agenda Item No. F-1

# CITY OF SANGER

**TO:** Sanger City Council

**FROM:** Hilda Cantú Montoy

**SUBJECT: URGENCY ORDINANCE AMENDING SECTION 82-148 OF THE SANGER CITY CODE RELATING TO WATER SERVICE**

## RECOMMENDATION

That the City Council waive further reading and adopt Ordinance No. 1100, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER AMENDING SECTION 82-148 OF THE SANGER CITY CODE RELATING TO WATER SERVICE".

## BACKGROUND

On June 5, 2008, Councilmember Neri expressed a concern that the housing crisis has resulted in an increasing number of vacant properties in Sanger and that the vacant properties are becoming blighted from dead landscaping.

The attached ordinance allows the Public Works Director, on a case by case basis, to consider waiving the requirement that the sewer service shall be added to the charge for water service. A waiver may be granted by the Public Works Director upon a showing by an applicant for water service that the property shall be vacant for a period longer than 30 days and that the inability to receive water service will create blight and health and safety issues.

Prepared by: Hilda Cantú Montoy Approved by: \_\_\_\_\_

REVIEW: City Manager: \_\_\_\_\_ Finance: \_\_\_\_\_ City Attorney: \_\_\_\_\_

**TYPE OF ITEM:**

- \_\_\_\_\_ Info/Consent
- \_\_\_\_\_ Department Report
- \_\_\_\_\_ Redevelopment Agency
- Public Hearing
- \_\_\_\_\_ Matter Initiated by a Council Member
- \_\_\_\_\_ Other

**COUNCIL ACTION:**

- APPROVED
- DENIED
- NO ACTION
- \_\_\_\_\_ Staff Recommendation(s)
- \_\_\_\_\_ Resolution No(s).
- \_\_\_\_\_ Ordinance No(s).
- \_\_\_\_\_ Continued to: \_\_\_\_\_
- \_\_\_\_\_ Revised as follows:

<b>FILE NAME:</b> _____	<b>FILE NO:</b> _____
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California Government Code section 36937 provides the City Council with the authority to adopt an ordinance on an urgency basis if the ordinance is necessary for the immediate preservation of the public peace, health or safety of the City. Such an ordinance must be passed by a four-fifths vote of the City Council.

Staff recommends that the proposed ordinance be adopted as an urgency ordinance for the following reasons:

- That the rate of foreclosures locally, statewide, and nationally has reached an exorbitant number. The number of foreclosures in Sanger is creating serious economic conditions.
- That the extremely high number of foreclosures in the City of Sanger is creating a very high number of vacancies that in turn create blighting and dangerous conditions.
- That the apparently vacant buildings create opportunities for persons engaged in criminal activity.
- That the vacant properties without water service create blighting conditions.
- That the lawns, trees, and shrubbery in vacant properties are unable to survive in Sanger's high summer temperatures. Dry lawns, trees and shrubbery are conditions which create a greater potential for fires. Fire danger is particularly exacerbated by the statewide drought. Water supplies are extremely low and have caused greater economic impacts as well as concerns for fighting fires.
- That the attached ordinance is vital to the preservation of the City's public peace, health, and safety.

ORDINANCE NO. 1100

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER  
AMENDING SECTION 82-148 OF THE SANGER CITY CODE RELATING TO  
WATER SERVICE

THE CITY COUNCIL OF THE CITY OF SANGER DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 82-148 of the Sanger City Code is amended to read as follows:

**82-148. Billing and payment of charges.**

- (a) On premises served with city water, the charge for sewer service shall be added to the charge for water service, and shall become due and payable on the same basis.
- (b) On a case by case basis, the Public Works Director may consider waiving the requirement that the sewer service shall be added to the charge for water service. A waiver may be granted by the Public Works Director upon a showing by an applicant for water service that the property shall be vacant for a period longer than 30 days and that the inability to receive water service will create blight and health and safety issues. The applicant for water service shall be required to certify that sewer service will not be utilized while the property is vacant and that immediately upon occupancy and/or use of the property, the applicant will advise the City and will be charged for sewer service.
- (c) If a premises with sewer service does not receive all water used from the municipal water system, a separate bill shall be rendered for sewer service only. The time and manner for billing for sewer service on premises not served with city water shall be determined by the city engineer.
- (d) If any sewer service charge is not paid within ten days after the same becomes payable, a ten percent penalty for delinquency shall be added in addition to the penalties hereinafter provided.

SECTION 2.

This ordinance is declared to be an urgency ordinance which shall take effect immediately upon adoption. The City Council finds as follows:

- 1. The rate of foreclosures locally, statewide, and nationally has reached an exorbitant number. The number of foreclosures in Sanger is creating serious economic conditions.
- 2. The extremely high number of foreclosures in the City of Sanger is creating a very high number of vacancies that in turn create blighting and dangerous conditions.

3. Apparently vacant buildings create opportunities for persons engaged in criminal activity.
4. Vacant properties without water service create blighting conditions.
5. Lawns, trees, and shrubbery in vacant properties are unable to survive in Sanger's high summer temperatures. Dry lawns, trees, and shrubbery are conditions which create a greater potential for fires. Fire danger is particularly exacerbated by the statewide drought. Water supplies are extremely low and have caused great economic impacts as well as concerns for fighting fires.
6. This ordinance is vital to the preservation of the City's public peace, health, and safety.

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Michael A. Montelongo, Mayor

\* \* \* \* \*

I, BARBARA MERGAN, City Clerk of the City of Sanger, California, do hereby certify that the foregoing Ordinance was introduced and adopted as an urgency ordinance by motion of \_\_\_\_\_, second by \_\_\_\_\_, at a regular meeting of the Sanger City Council held on the 19th day of June 2008 by the following roll call vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Barbara Mergan, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David J. Weiland, City Attorney