



ORDINANCE NO. 399-2023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING ORDINANCE 335-2015, CHAPTER 13.10, SECTION 241
AND ADDING CHAPTER 13.10, SECTIONS 242-246
PROPERTY TAX LIENS FOR NONPAYMENT OF DELINQUENT
SEWER BILLS FOR CUSTOMERS THAT DO NOT SUBSCRIBE
TO WATER SERVICE AND A MEANS OF COLLECTING
THE DELINQUENT CHARGES ON THE PROPERTY TAX BILL**

WHEREAS, the City of Rio Dell Municipal Code Section 13.10.240 provides that the Department of Public Works has the right to discontinue water service to any customer that is delinquent in the payment of their sewer bill, and

WHEREAS, there is no provision in the City of Rio Dell Municipal Code to discontinue sewer service to a customer that is delinquent in the payment of their bill, but does not subscribe to City water service, and

WHEREAS, the City of Rio Dell needs an incentive and procedure to enforce the collection of delinquent sewer bills from customers that use sewer services without water service, but are frequently delinquent in paying for the service, and

WHEREAS, California Government Code Section 54348 provides for the maximum penalty for delinquent utility services, and

WHEREAS, California Government Code Sections 54354 through 54357 gives local agencies the authority to place a lien on a property for delinquent utility charges and penalties, and

WHEREAS, California Health and Safety Code Sections 5473 through 5473.7 authorizes the City of Rio Dell to submit overdue sewer charges to the auditor-controller.

NOW, THEREFORE, BE IT RESOLVED, that Ordinance No. 399-2023 amends Ordinance 335-2015, Title 13, Chapter 13.10, Section 241 of the Rio Dell Municipal Code regarding the establishment of property tax liens for nonpayment of delinquent sewer bills by customers that do not subscribe to water service, and provides a means of collecting delinquent charges on the property tax and assessment rolls.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

The following provisions shall be added to the City of Rio Dell Municipal Code Title 13, Chapter 13.10, as Sections 13.10.242, 13.10.243, 13.10.244, 13.10.245, 13.10.246:

13.10.242 Tax roll collection – Authority – Alternative method.

- A. When the City elects to use the tax roll on which general City taxes are collected for the collection of current or delinquent sewer service charges, proceedings therefor shall be had as now or hereafter provided therefor in Article 4, Chapter 6, Part 3, Division 5 of the California Health and Safety Code.
- B. The powers authorized by this section shall be alternative to all other powers of the City and alternative to procedures adopted by the City Council thereof for the collection of such charges.

13.10.243 Tax roll collection – Report and notice.

- A. A written report shall be prepared and filed with the City Clerk which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming year computed in conformity with the charges prescribed by this Chapter.
- B. The City Clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for the hearing published in a newspaper of general circulation, printed and published within Humboldt County. Prior to such hearing for the first time, the City Clerk shall mail a notice in writing of the filing of the first report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any part or parcel of real property described in the report is assessed in the last equalized assessment roll on which general City taxes are collected, at the address shown on the roll or as known to the City Clerk.

13.10.244 Tax roll collection – Hearing and determination.

- A. At the time of the hearing, the City Council shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time.
- B. Upon the conclusion of the hearing on the report, the council will adopt, revise, change, reduce, or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination shall be final.

13.10.245 Tax roll collection – Filing of report with county auditor.

On or before the tenth day of August in each year following the final determination of the council, the City Clerk shall file with the auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the council of the City, and the auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

13.10.246 Tax roll collection – Parcels not in City or not on roll.

- A. Where any such parcels are outside the boundaries of the City, they shall be added to the assessment roll of the entity for the purpose of collecting such charges.
- B. If the property is not described on the roll, the auditor shall enter the description thereon together with the amounts of the charges, as shown on the report.

I HEREBY CERTIFY that the foregoing Amendments were duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 20, 2023, and furthermore were passed, approved, and adopted at a regular meeting of the City Council of the City of Rio Dell on the 6th day of July 2023 by the following vote:

Ayes: Garnes, Carter, Orr, Wilson and Woodall
Noes: None
Abstain: None
Absent: None



Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true, and correct copy of Ordinance No. 399-2023 adopted by the City Council of the City of Rio Dell on July 6, 2023.



Karen Dunham, City Clerk, City of Rio Dell