

ORDINANCE NO. 5778

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTERS 14.04 AND 14.08, UPDATING AND CLARIFYING WATER METERING REQUIREMENTS; ADDING EXISTING WATER METERING REQUIREMENTS PREVIOUSLY LOCATED IN CHAPTER 22.04

WHEREAS, the requirement for separate water meters for individual dwelling units is presently located in Chapter 22.04 and is proposed to be removed from that Chapter;

WHEREAS, the requirement for mandatory dedicated irrigation meters to serve landscaped areas of a certain size is presently located in Chapter 22.04 and is proposed to be removed from that Chapter;

WHEREAS, requirements for water connections in the City of Santa Barbara is located in Municipal Code Chapter 14.08; and

WHEREAS, regulatory compliance is more coherent and consistent when regulations concerning a subject are found in one location;

WHEREAS, it is necessary to clarify existing water metering requirements when there are physical constraints to water meter installation

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 14.04 of the Santa Barbara Municipal Code is amended to add Sections 14.04.065 and 14.04.075 to read as follows:

14.04.065 Meter, Master

“Master Meter” means a City meter located upstream of one or more sub-meters that is used to measure the aggregate amount of water delivered to a group of customers or uses on the same lot or within the same project.

14.040.075 Sub-meter

“Sub-meter” means a City meter located downstream from a master meter that is used to measure the amount of water furnished to an individual customer or use located on a lot, or within a project, that has multiple customers or uses where the aggregate amount of water served to the group of customers or uses is measured by a master meter.

SECTION 2. Sections 14.08.010, 14.08.040, 14.08.045, 14.08.050, 14.08.090, 14.08.130, and 14.08.140 of Chapter 14.08 of the Santa Barbara Municipal Code are amended to read as follows:

14.08.010 New Connections to Mains - Application Required.

No new connection for any premises shall be made to City water mains or to City water system unless a written application has been properly filed with the Public Works Department, signed by the owner or the owner's agent, upon forms to be furnished by the Public Works Department.

14.08.040 New Connections to Mains - Determination of Meter and Service Size.

The size of any new meter and service and/or reduction in meter size shall be subject to the final determination and approval by the Director of the Public Works Department.

California Plumbing Code requirements, as amended by the City, will be used as a guide for determining the size where applicable.

Where insufficient information is available to determine the size from the California Plumbing Code, the proper size may be determined on an area basis as follows:

(1) Usable Land Area:	Service Size:
10,000 square feet or less	5/8 inch by 3/4 inch
10,000 to 20,000 square feet	1 inch
20,000 to 34,000 square feet	1-1/2 inch
35,000 square feet and over	2 inch or larger as required

(2) Existing services and meters: In cases where the flow rate of a customer's demand is greater than the meter manufacturer's recommendation, the Director may require the customer to have installed at the customer's expense the appropriate size meter and services.

(3) Change in meter size for any property will not be approved without the written acknowledgment of the property owner.

14.08.045 Effective Date of Revised Fees, Charges, and Rates.

The fees, charges, and rates referenced in this Chapter shall become effective as of the effective date of the most recent resolution of the City Council establishing such fees, charges, and rates.

14.08.050 New Connections to Mains and Service Relocations - Fee Schedule.

A. The service fees for original connections to the City water system and service relocations shall be set by resolution of the City Council.

B. In addition to the service fees provided for in §14.08.050(a), applicants for original connections to the City water system shall also pay a "buy in" charge as established by resolution of the City Council.

14.08.090 Water Service Rates - Monthly Rates.

The monthly rates to be charged and collected shall be set by resolution of the City Council. These rates include usage charges based on the volume of water used and other fixed charges assessed without regard to the amount of water actually used.

14.08.130 Meter Test - Replacing Meter.

Any customer may have the accuracy of the meter through which water is being furnished to the customer's premises examined and tested by the City by making a written application therefor upon forms provided by the City. Upon receipt of such application, the City shall examine and test such meter. If the meter is found to register a quantity of water which varies from the actual quantity of water passing through it by more than published industry standards for metering accuracy, such meter shall be removed and another meter installed in lieu thereof. If the meter is found to register a quantity of water which varies from the actual quantity of water passing through the meter by no more than published industry standards for metering accuracy, the meter shall remain in service and the customer shall pay a fee for the evaluation of the meter in an amount determined by resolution of the City Council.

14.08.140 Placement Generally and General Treatment of Meters.

A. General Rule. All City meters shall be placed at the curb line of the street, whenever and wherever practicable, and shall be protected and maintained as a part of the operation of the Department.

B. Exceptions. If it is not practicable to place a City meter or City meters at the curb line of the street due to topography, the number of meters required for the project, or other existing uses of the right of way that conflict with the placement of the meters at the curb line, the Director may authorize such meter(s) to be located on private property, provided that:

1. A sub-meter located on private property shall be served by way of an upstream City master meter, which master meter may serve one or more sub-meters,

2. A master meter shall be located at the curb line of the street,

3. Sub-meters shall not serve non-residential uses, including, without limitation, commercial and industrial spaces, irrigation, and common areas, unless the Director determines that there is no feasible alternative for providing service,

4. A single master meter shall not serve sub-meters of differing user classifications, as those user classifications are specified in the City Council resolution adopted pursuant to Section 14.08.090,

5. The customer shall be responsible for the cost to install master meter and the sub-meter(s) and to pay any applicable fees as set forth in the City Council resolution adopted pursuant to Section 14.08.050,

6. The owner of the property being served shall enter into a written agreement with the City which includes a provision or provision(s) detailing ownership of the water distribution and water meter infrastructure located within the City right of way and on private property, and

7. The owner of the property being served shall grant to City an easement, license, or right of way as approved by the Director for purposes including but not limited to meter reading, maintenance, and replacement, turning on or off of water service, installation or removal of flow restrictors, and ingress to and egress from meters for said purposes.

SECTION 3. Sections 14.08.070 and 14.08.095 of Chapter 14.08 of the Santa Barbara Municipal Code are deleted without replacement:

~~14.08.070 Fees for Service Relocations.~~

~~— Fees for City water service relocations shall be identical with those expressed in Section 14.08.050.~~

~~14.08.095 Customer Service Charge.~~

~~— In addition to all other charges imposed by this chapter, a customer service charge is hereby imposed and the same shall be collected in connection with all billings for water, without regard to actual water use, if any, at rates determined by resolution of the City Council.~~

SECTION 4. Chapter 14.08 of the Santa Barbara Municipal Code is amended to add Sections 14.08.150, 14.08.160, 14.08.170 and 14.08.180 to read as follows:

14.08.150 New Dwelling Units - Metering Requirements.

A. GENERAL RULE. Every new dwelling unit, including condominium units, apartment units, and accessory dwelling units, shall be served by a separate meter. However, if a new accessory dwelling unit is located within a single-family residential zone, contained within the existing space of a single-family residence or an existing accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety, the new accessory dwelling unit is not required to be served by a separate meter.

B. PROJECTS OF FOUR OR FEWER UNITS. For projects adding four (4) or fewer new dwelling units, common area uses on the lots or parcels within the project including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, may be served by the meter or meters measuring the water supplied to the dwelling units or may be served by a separate meter or meters. For purposes of this subsection, if a project demolishes an existing dwelling unit and constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

C. PROJECTS OF FIVE OR MORE UNITS. For projects adding five (5) or more dwelling units, the meters measuring the water supplied to the interior of the dwelling units shall only measure the water use within the dwelling units. All other uses on the lots or parcels within the project, including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, shall be served by one or more meters separate from the meters measuring the water supplied to the dwelling units. For purposes of this subsection, if a project demolishes an existing dwelling unit and constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

D. LOW INCOME HOUSING PROJECTS. For developments in which 100% of the units are rental units which are affordable to very low or low income households, one water meter may serve six (6) residential dwelling units if the following conditions are met:

(1) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states: (a) all of the residential units on the Real Property shall be rented to very low or low income households; (b) the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time; and (c) the maximum rent shall be controlled through recorded documents to assure continued affordability for a term that is consistent with the City's Affordable Housing Policies and Procedures Manual. The City shall be a party to the covenant; and

(2) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states that the development has received a reduction in the number of water meters required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either: (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that there is compliance with the City's water metering requirements then in effect, or (ii) the owner shall provide additional water meters as needed in order to comply with the City's water metering requirements then in effect and owner pay any applicable installation and/or capacity-based fees or costs associated with the additional water meters. The City shall be a party to the covenant.

14.08.160 Conversion of Dwelling Unit to Nonresidential Use.

If an existing dwelling unit, or a portion thereof, is converted to a nonresidential use, that nonresidential use shall be metered separately from any existing or proposed dwelling unit(s).

14.08.170 Nonresidential Uses – Separate Metering

On lots or condominium units that have both residential and nonresidential uses, no meter serving a nonresidential use shall also serve a residential use. No meter serving a nonresidential use on any lot or condominium unit shall serve a use on another lot or condominium unit.

14.08.180 Multi-unit Residential and Nonresidential Uses - Irrigation Meters

The following requirement shall apply to multi-family residential and nonresidential use classifications: when a project requires new water service or upgraded water service and includes at least 1,000 square feet of irrigated landscaped area a separate City-issued irrigation meter shall be installed to measure the use of potable water for landscape purposes.

SECTION 5. The provisions of this ordinance shall take effect at 12:01 a.m. on January 1, 2017.

Exceptions:

Projects where the application was deemed complete prior to the effective date of this ordinance shall not be subject to the requirements of the newly adopted Sections 14.08.160 and 14.08.170 of the Santa Barbara Municipal Code. Projects that were deemed complete on or before December 31, 2016 shall continue to process in accordance with Santa Barbara Municipal Code Sections 22.04.030 and 22.04.060 as those sections existed on the date the project was deemed complete.

Projects converting a dwelling unit to a short-term rental (hotel) that submitted a complete application for a planner consultation and the paid fees for such consultation on or before November 1, 2016 shall not be subject to the requirements of the newly adopted Sections 14.08.160 and 14.08.170 of the Santa Barbara Municipal Code and shall continue to process in accordance with Santa Barbara Municipal Code Sections 22.04.030 and 22.04.060 as those sections existed on the November 1, 2016.

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STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on November 8, 2016, and was adopted by the Council of the City of Santa Barbara at a meeting held on November 15, 2016, by the following roll call vote:

- AYES: Councilmembers Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Mayor Pro Tempore Bendy White
- NOES: None
- ABSENT: Mayor Helene Schneider
- ABSTENTIONS: None

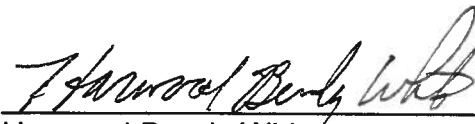
IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on November 16, 2016.

(Seal)



Sarah P. Gorman
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on November 16, 2016.



Harwood Bendy White
Mayor Pro Tempore