

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA, STATE OF CALIFORNIA, REVISING SECTION 5-9-310 (APPLICATION FOR SEWER PERMITS) OF CHAPTER 5-9 (UNIFORM WASTEWATER REGULATION) OF TITLE 5 (PUBLIC HEALTH, SAFETY AND WELFARE) AND SECTION 6-4-105 (EXTENSION OF WATER MAINS) OF CHAPTER 6-4 (WATER SERVICE) OF TITLE 6 (PUBLIC SERVICES) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE, TO ADDRESS PRIORITY UTILITY SERVICES FOR AFFORDABLE HOUSING

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista City Council recognizes that Government Code §65589.7 requires water and sewer providers to grant priority for service allocations to proposed developments that include housing units affordable to lower-income households; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 5.3, calls for the amendment of the San Juan Bautista Municipal Code to grant priority sewer and water service to affordable housing development when service capacity is limited; and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to the municipal code, to be less than significant, with mitigation; and

WHEREAS, the City Council adopted the Initial Study and Mitigated Negative Declaration at its October 8, 2019 meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 5-9-310 (Application for sewer permits) of Chapter 5-9 (Uniform Wastewater Regulation) of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code shall be revised to read in full as follows:

Sec. 5-9-310. Application for sewer permits.

Applications for building sewer permits shall be on forms provided by the City, which forms may be combined with forms for other permits required by the City. The applicant shall submit such forms, specifications, supplemental information and material as may be required by the City Manager. No permit shall be issued until all fees due the City have been paid.

During any period of threatened or actual shortage of essential services that are provided by the city, the city shall have the right to apportion its available sewage capacity among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Such apportionment shall grant priority to housing with units affordable to lower income housing.

SECTION 3. REVISIONS. Section 6-4-105 (Extension of water mains) of Chapter 6-4 (Water Service) of Title 6 (Public Services) of the San Juan Bautista Municipal Code shall be revised to read in full as follows:

Sec. 6-4-105. – Extension of water mains.

Where application is made for water service for any premises located on a street in which there exists no water main in front of the premises, the City Manager will estimate the total cost of labor and materials for the extension of the nearest main to the front of such premises, and upon payment by the applicant of such estimated cost, the City Manager will proceed to make such extension.

Whenever it appears that such cost has been underestimated, the City Manager will re-estimate such cost, and further work on such extension shall cease until the applicant has paid to the City such additional estimated cost. Any excess payment shall be returned to the applicant.

Except that during any period of threatened or actual shortage of essential services that are provided by the city, the city shall have the right to apportion its available water capacity among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Such apportionment shall grant priority to housing with units affordable to lower income housing.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and

phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.


THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of October, 2019, and was passed and adopted at a regular meeting of the San Juan Bautista City Council on the 19th day of November 2019.

AYES: Flores, Edge, Freeman, DeVries, Jordan

NOES: None

ABSENT: None

ABSTAIN: None



Mayor César Flores

ATTEST:



Laura Cent, City Clerk