

**ORDINANCE NO. 0007-2022**

**AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING  
TITLE 13, CHAPTER 13.04.690 TO UPDATE THE APPLICATION  
FOR WATER SERVICE IN THE MCFARLAND MUNICIPAL  
CODE.**

**Section 1 Recitals:**

**WHEREAS**, The city of McFarland (“City”) desires to amend, its Municipal Code Title 13, Chapter 13.04.690 related to the application for water service; and

**WHEREAS**, The Ordinance Amendment updates the Municipal Code to codify the application for water service within the City of McFarland California; and

**WHEREAS**, Adopting of the Ordinance will modify the ordinance to also allow a tenant to apply for and receive water services in their name; and

**NOW THEREFORE BE IT RESOLVED**, by the council of the City of McFarland does ordain as follows:

**Title 13, Chapter 13.04.690 of the McFarland Municipal Code is hereby amended to read as follows:**

***13.04.690 - Application for water service.***

- A. All applicants for water service shall make written request for water service to the director on applications provides by the director. If any applicant is delinquent in payment of any other water service charge at the time of making application, applicant shall pay the delinquency in full prior to or at the time that the application is processed. No application shall be granted except where made by the property owner or tenant of the premises which is the subject of the application. In the event of a change in ownership of a premises, the seller or transferor shall notify the city in writing of the change and of the name and billing address of the buyer or transferee. Until notification of the city, both the seller/transferor and the buyer/transferee shall be jointly and severally liable for the payment of the water service charges excluding those charges incurred by the tenant. If required by the director, the city shall be provided with a copy of a recorded deed verifying the change of ownership.*
- B. The account shall be in the name of the property owner or tenant and all charges shall be due and payable from the property owner or tenant.*
- C. Upon written request from the property owner or tenant, the property owner or tenant shall remain liable for the account and for all penalties and interest accruing thereto.*

D. *All applicants shall pay a deposit upon filing an application. The amount of the deposit shall be established from time to time by resolution of the city council. The deposit shall be for the purpose of securing payment of the water service charges for water service to each premises and shall be returned to the property owner or tenant, of the premises when water services is discontinued; provided, however, that if the property owner or tenant of the premises when the service is discontinued is different from the property owner or tenant who paid the deposit, city shall return the deposit to the property owner or tenant of the premises at the time service is discontinued. If the water service charges have not been paid in full when water service is discontinued, that portion remaining unpaid shall first be deducted from the deposit and the balance thereof, if any, shall be paid to the property owner or tenant who rendered the deposit to the city. Any deposit returned hereunder shall be returned without interest and the property owner or tenant shall not be entitled to any interest earned thereon.*

- 1) The foregoing recitals are true and correct and incorporated herein as if set forth in full.
- 2) That the city of McFarland Ordinance Title 13, Chapter 13.04.690 is hereby modified to also allow a tenant to apply for and receive water services in their name; and

**Section 2. Notice.** The City clerk shall certify to the passage and adoption of this ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

**Section 4. Effective Date.** This Ordinance shall take effect January 1, 2023 after its adoption pursuant to California Government Code section 36937.

**Section 5. Certification; Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council , at a regular meeting thereof held on the 22th day of September 2022, and adopted the Ordinance after the second reading at a regular meeting held on the 13<sup>th</sup> day of October 2022, by the following roll call vote: 5/0

AYES: S. AYON, A. AYON, CANO, PEREZ, TAFOYA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

ATTEST

  
FRANCISCA ALVARADO, City Clerk

CITY OF MCFARLAND

By:   
SALLY TAFOYA, Mayor

APPROVED AS TO FORM:

By:   
NATHAN HODGES, City Attorney  
Hodges Law Group



I, F. Alvarado, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

Page 3 of 3

POSTED: OCTOBER 18, 2022  
THIS ORDINANCE WILL TAKE EFFECT JANUARY 1, 2023.