

**OCEANO COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2006-1**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
ESTABLISHING NEW WATER SERVICE CHARGES AND  
CONSOLIDATING EXISTING WATER ORDINANCES**

**WHEREAS**, The District will furnish water service in accordance with the regulations contained herein and in accordance with the applicable County Ordinances and State and Federal Regulations to any property within the service limits of the District and to such areas outside the District limits as the Board may designate.

**WHEREAS**, the Board of Directors has been presented with evidence that demonstrates the necessity to increase monthly water service charges to meet its contractual obligations; and,

**WHEREAS**, the District's reserves provide a source of revenue for capital replacement and/or improvements; and,

**WHEREAS**, the purpose of this Ordinance is to:

- A. Maintain adequate level of revenue, equitably collected, to meet the District's operational and contractual obligations; and,
- B. To classify and to charge the revenues that make up the District's water reserve with the obligation to fund periodic shortfalls in revenues, if any; and,
- C. To implement the objectives of the San Luis Obispo County General Plan for the District's water supply; and,
- D. To consolidate existing water ordinances into one ordinance for convenience and clarity.

**WHEREAS**, based upon facts and analysis presented by District staff and public testimony received, the Board of Director's find:

- A. This public meeting was properly noticed pursuant to Government Code Section 54954.2 (Brown Act).
- B. The fees, rates, and charges that are subject to this Ordinance do not exceed the estimated reasonable cost necessary to comply with the District's contractual obligations and other costs of providing water service for which the charges and fees are imposed.
- C. The revenues that make up the District's water reserves are adequate and sufficient to form a classification and be charged with the financial commitments provided in this Ordinance.
- D. The District residents benefit from the logical, long-range approach to financing of public facilities and water supplies.
- E. The District will benefit from a more organized Ordinance placing all water related charges in one location.

**NOW, THEREFORE, BE IT ORDAINED**, pursuant to Government Code Sections 61060, 61115, 61115(c) and 61060(h) by the Board of Directors of the District as follows:

**ARTICLE 1  
General**

In all cases, water shall be supplied only through water meters installed as set forth herein and, in each case, the property owners shall be responsible for all water passing through the meter.

If application is made for service where no service connection has been installed but a distribution main is adjacent to the property, the applicant, in addition to making application for service, shall comply with the regulations governing the installation of services

Unless otherwise approved by the Board, all service of water by the District shall be made in accordance with the following rules and regulations any and all of which may be amended or added to or repealed in whole or in part by the District Board at any regular or special meeting thereof.

**System Control:** All reservoirs, pipelines, pumping stations, wells, treatment facilities, valves, connections, meters and other appurtenances and property of the District shall be

under the management and control of the Board with daily operational control delegated to the General Manager, and no other persons except employees of the District shall have any right to operate said system and/or property in any manner.

**Protection of Health:** The District reserves the right to treat any and all water served through its system with such chemicals and processes, at such time, and in such amounts as it deems proper to safeguard public health. District further reserves the right to safeguard public drinking water supplies by preventing backflow into the District water system.

## **ARTICLE 2 Permit Application**

**Permit Application for Service Connection:** Permit is an Agreement. The applicant's signature on any District or County permit shall constitute an agreement to comply with all provisions, terms and requirements of this and other ordinances, rules and regulations of the District and with the plans and specifications District has approved together with such corrections or modifications as may be made or permitted by the District, if any. Such agreements shall be binding upon the applicant and may be altered only by the District upon written request for the alteration by the applicant.

1. **Permits Required:** No public water main, or water service, or other facility or action requiring a permit from the District shall be installed, altered or repaired or begun until a permit is first obtained from District and all fees paid in accordance with the Provisions of this Ordinance.
  - a. **Powers and Authorities of Inspectors:** The Manager and any duly authorized representative of the District shall be permitted, upon showing evidence of his or her position, to enter private property for the purpose of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of this Ordinance and the Rules and Regulations of the District.
  - b. **Requirements for Public Service Construction:** Prior to the construction of a public service for which the District has jurisdiction, plans, profiles and specifications shall be prepared by a registered engineer and submitted to the District for review and approval. All such documents submitted shall be prepared in accordance with, and review shall be based upon District's Standards and Specifications.
    - i. District staff shall make every effort to review and comment on any plans, profiles and specifications within ten business days from submittal.

- ii. Upon approval of the plans, profiles and specifications the General Manager or District Engineer shall sign and date the pertinent pages.
  - iii. No construction shall begin without plans, profiles and specifications approved and signed by the General Manager or District Engineer.
- c. **Subdivisions:** Prior to the granting of approval by the District for the recording of a final map or of installing any part of a public service under the jurisdiction of the District, the applicant shall have complied with all the requirements stated above and all other applicable provisions and pay all fees and meet all District requirements.
  - i. All public water lines shall be in streets or rights of way dedicated for public use or, if approved by the District, shall be in easements granted to the District. In the event that an easement is allowed by the District for the extension of any public service or the making of connections, the applicant shall procure and have accepted by the District a proper easement or grant right of way sufficient in size to allow the laying and maintenance of service connection. The cost of obtaining said easement or right of way shall be borne by the applicant.
  - ii. If a final map for a tract is recorded and the construction of public services for which the District has jurisdiction is not completed within the time allowed, the General Manager may extend the time limit or may, with Board approval, complete the work and take appropriate steps to enforce the provisions of any bond furnished by the subdivider.
- d. **Persons Authorized to Perform Work:** Only properly licensed contractors shall be authorized to perform the work of construction of public services to be maintained by the District. Applicant is responsible for assuring that their contractor conforms to the terms and conditions of the applicant's permit insofar as these terms and conditions apply to the work to be done by the contractor.
- e. **Compliance with All Applicable Laws and Rules and Regulations:** Any person constructing a public service to be operated and maintained by the District or any type of structure requiring approval or permit by District shall comply with all State, County District, South San Luis Obispo County Sanitation District and any other laws,

statutes, ordinances, rules and regulations pertaining to any and all aspects of said construction and shall obtain all permits and pay all fees required by the department having jurisdiction.

- f. **Protection of Excavation and Restoration:** The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a public service to be operated and/or maintained by the District is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the adjacent public rights of way against any such conditions in connection with the construction of such public services. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstated in a manner satisfactory to the District. The applicant or contractor may be required to post a bond to guarantee that repairs to any property disturbed will be made.
  
- g. **Design and Construction Standards:** The minimum standards for design and construction of public services to be operated and maintained by the District shall be in accordance with the District Standards and Specifications except where requirements of the State, County or Federal government are more restrictive, in which case the more restrictive requirements shall apply. The administration, inspection, enforcement and acceptance shall be by the District. The District may permit modifications or may require higher standards. Before acceptance of any public service by the District such public service shall have been tested and all work shall have been completed in full compliance with District Standards and Specifications to the satisfaction of the District's Engineer, General Manager or authorized representative.
  
- h. **Inspection Fees:** Fees for inspection of building water and related facilities shall be as detailed below:
  - Single Family Dwelling.....\$50.00
  - Multiple Units.....\$25.00 per unit
  
- i. **Disposition of Fees:** All fees collected on behalf of the District shall be shown as revenue in the proper account and the funds deposited in the manner provided by the District.
  
- j. **All Costs Paid by Owner:** All costs and expenses incident to the installation and connection of water or other work for which a permit has been issued shall be borne by the owner. The owner shall

indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

- k. **Street Excavation Permit Required:** A separate permit must be secured by applicant from the San Luis Obispo Department of Public Works, the State Department of Transportation or any other authority having jurisdiction over any public way in which applicant intends to perform any work related to District services.
  
- l. **Liability:** The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District and its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein. Applicant shall obtain property and liability insurance in amounts necessary for proper coverage as established from time to time by District guidelines.
  
- m. **Liability for Violation of Ordinances, Rules and Regulations:** Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District, may be served by the General Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. All persons shall be held strictly responsible for any and all acts of agents and employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon the notification by the General Manager of any defect arising in any violation of this Ordinance, or any other ordinance, rule or regulation of the District, the person or persons having charge of said work shall immediately correct the same.
  
- n. **Continued Violation a Public Nuisance:** Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility or at the discretion of the District, the District may abate the violation, in which case the cost of the abatement and any reasonable attorney's fees and administrative

fees shall be applied against the offending property as provided by law.

- o. **Disconnection for Violation:** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the General Manager shall have the power to disconnect the user or subdivision from the water mains of the District. Upon disconnection, the General Manager shall estimate the cost of disconnection and reconnection to the system, and such user shall deposit as the estimated cost before user is reconnected to the system. The General Manager shall refund any part of the deposit remaining after payment of all costs.
- p. **Habitation of Disconnected Premise Forbidden:** During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, thereupon the District may cause proceedings to be brought for the abatement of the Occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorneys's fee and cost of suit arising in said action, as well as reasonable administrative costs.
- q. **Means of Enforcement:** The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations and not as a penalty.
- r. **Violation of Ordinances, Rules and Regulations is a Misdemeanor:** Section 6523 of the California Health and Safety Code [as referenced by Government Code Section 61064] provides that a violation of an ordinance, rule or regulation of the District by any person is a misdemeanor punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed one month, or both. Each and every connection or occupancy in violation of the ordinances, rules and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.
- s. **Violator Liable for any Expense, Loss or Damage to the District:** any person violating any of the provisions of the ordinances, rules and regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such

violation.

2. **A permit application for service connection must be made for each newly constructed structure or remodel or addition of an existing structure on a form furnished by the District.** The fee for filing the application or renewal thereof is \$30.00 per structure and/or separate residential unit, whichever is greater. The permit shall specify the size of the service connection, the property to be served and the purpose for which the water is to be used. The information supplied by the applicant in such a permit shall be considered as authoritative and final. If any error in such application shall cause the installation of a service connection that is improper, either in size or location, the cost of all changes required shall be borne by the applicant.
  - a. **No Single Service:** Except as may be otherwise specifically approved by the Board, service to newly constructed building shall include both sewer and water. One service will not be provided without the other.
  - b. **Repayment Agreements:** In general, those applicants who require a water main extension in front of the property to be served shall pay the entire cost of such extension which in some cases may be partially reimbursable if other parties connect directly to the extended system. If reimbursement is requested the following must apply:
    - i. The extension must be at least two hundred (200) feet in length and have the potential to directly serve other property. In this case direct service means the ability to connect directly into the extension with a service connection to another property but without further extending the public system.
    - ii. District shall determine the prorated cost of the new connections. Such costs shall be based upon construction costs furnished by the applicant and as approved by the District.
    - iii. These main extension charges shall be detailed in an agreement approved by the Board. Said agreement shall not be in force more than ten years.
    - iv. District shall collect from those charges levied against the new connections a ten (10%) percent administration fee.
    - v. The public main extension under agreement may be further extended in accordance with the rules and regulations set forth



herein without obligation and reimbursement shall not be made by those new services connecting to the additional extension excepting when that additional extension conforms to the guidelines detailed in this section and is under a separate repayment agreement.

c. **Annexation Rates:** For each acre or fractional part of an acre of the land included in the area proposed to be annexed, the sum of \$100 per acre shall be charged to defray the administrative and personnel costs to the District to process such annexation.

3. The term “service connection” as used herein shall be understood to designate the waterline and appurtenance installed between the connecting main and the meter and including a valve on the customer’s side of the meter. All service connections will be on permanent District facilities and installed to the property line.

4. **Water Service Connection Fees:** Connection fees for new water service are established as follows:

<u>Size of Service</u>	<u>Fee to Install a New Water Service</u>
5/8" x 3/4" meter	\$675 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4,080 (minimum = \$4755.00)
3/4" meter	\$950 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$5030.00)
1" meter	\$1,350 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$ 5430.00)
1 1/2" meter	\$2,700 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$ 6780.00)
2" meter	\$5,400 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = 9480.00)
3" meter	\$10,800 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$14,880.00)
4" meter	\$18,900 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$22,980.00)
6" meter	\$43,200 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$ 47,280.00)

5. **Additional Connection Fees:** To defray the expenditure impact of the California State Water Project and the Lopez Dam Improvement Revenue Bonds, the following additional fees are imposed:
- a. In addition to existing connection fees, a connection fee of \$1,000 for each equivalent single family dwelling is hereby established.
  - b. For this Section, equivalent single family dwelling shall mean, as applied to residential construction, any house or individual dwelling unit such as an apartment, mobile home, condominium or any living area containing a cooking facility. Any such unit being equal to one equivalent single family dwelling. By way of example, a 50 unit apartment complex or a 50 unit mobile home park shall mean to equal 50 equivalent single family dwellings.
  - c. For this Section, equivalent single family dwelling shall be equal to, as applied to commercial construction, each ten (10) gallons per minute average water demand or part thereof. By way of example, a commercial enterprise having a water demand of twenty-five gallons per minute shall mean to equal 3 equivalent single family dwellings.
  - d. This connection fee shall be in addition to any existing fees and shall be set aside in a separate account and used to defray the costs of purchasing supplemental water. Once user fees are adequate to cover water department operations and maintenance costs including any outstanding debt and water purchases, the fees may be used to defray water capital replacement or water capital improvement costs.
6. **Capacity Charges:** In addition to existing connection fees established above, effective January 1, 1993, a capacity charge in the amount of \$1,572 for each equivalent single family dwelling is hereby established.

On January 1, 1994, the capacity charge shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six (\$1,572 +[13.50 x 6]).

On January 1, 1995, the capacity charge shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six (\$1,653 +[14.50 x 6]).

On January 1 of all subsequent years, the capacity charge shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six.

- a. **Single Family Dwellings.** For this Ordinance, "equivalent single family dwelling" shall mean, as applied to residential construction, any house

or individual dwelling unit such as an apartment, mobile home, condominium or any living area containing a cooking facility. Any such unit being equal to one equivalent single family dwelling. By way of example, a 50 unit apartment complex or a 50 unit mobile home park shall mean to equal 50 equivalent single family dwellings.

- b. **Non-Residential Construction.** For this Ordinance, as applied to non-residential construction, the single family dwelling equivalency factor shall be based upon the water meter size as follows:

<u>Required Meter Capacity</u>	<u>SFR Equivalencies</u>
10 gpm (5/8" meter)	1
15 gpm (3/4" meter)	2
25 gpm (1" meter)	4
50 gpm (1 ½" meter)	7
80 gpm (2" meter)	11
160 gpm (3" meter)	23
250 gpm (4" meter)	36
500 gpm (6" meter)	71

The required meter capacity shall be the maximum meter flow rating of the meter, and the flow rating shall be determined on the basis of fixture unit calculations according to the Uniform Plumbing Code (UPC) adopted by the District. By way of example, a non-residential construction project requiring a one-inch meter shall have a single family dwelling equivalency factor equal to four times the current capacity charge to a single family residence. Any appeal of the required meter capacity which cannot be resolved at the administrative level shall be handled in accordance with Section 20.14 of the 1985 UPC or any subsequent code adopted by the District.

- 7. When the proper permit for water has been filed, all applicable fees paid, a service connection is installed, the meter set, and the water turned on, the charge for water service shall begin. After a property has been connected to a District service or services, charges shall continue to accrue whether the property is occupied or not unless the owner requests the District to remove the water meter. Once a meter is removed the property shall be subject to a reconnection fee would they require service.
- 8. **Out of District Service:** For those properties that are outside the District boundaries but are receiving District water and/or sewer services, not on an emergency basis, there will be a \$7.10 administrative charge per billing cycle.

**ARTICLE 3**  
**Application for Service**

1. **Applications for service to use an existing service connection shall be made only in the property owner's name.** An application fee of \$30.00 shall be paid to the District at the time application for water service is made. Property owner assumes responsibility for services provided without regard to tenancy of premise. Said responsibility is ongoing until the owner notifies the District in writing that services are to be disconnected. At no time shall service be accounted for or listed by any name except that of the property owner. If property is transferred without proper application being made by the new owner within thirty days of the property being transferred, an application fee of \$50.00 shall be applied against the property Utility Account. Mid-period readings of meters shall not be made for occupancy changes.
  
2. **Discontinuance of Service for Violation of Rules and Regulations:** A customer shall be entitled to a reasonable notice of the intent of District to discontinue service for noncompliance or violation or infraction of any rule or regulation and to a reasonable opportunity to comply therewith or to cease the violation or infraction.
  - a.. No such notice or opportunity to comply with or cease a violation or infraction of any such rule and regulation need be given for those incidences in which the noncompliance, violation or infraction by the customer has created, is creating, or is likely to create on the customer's premises and/or in the water supply system of District, conditions dangerous and detrimental to property (including crops), public health, safety and welfare.
  
  - b. Property owners are responsible for the actions of customers who occupy their property and cause the District to disconnect the water through the customer's noncompliance with the rules and regulations detailed herein and shall be held liable for all costs incurred. Said charges shall be estimated and paid prior to the resumption of service. This payment is subject to additional billing or refund to reflect the actual completed cost.
  
3. **Relief on Application:** When any person by reason of special circumstance or is in disagreement with any action or decision made by the District staff, is of the opinion that any provision of the Ordinance is unjust or inequitable as applied to his or her premise or request, he or she may make written application to the Board, stating the special circumstances, citing the provision complained of, and request modification or relief from that provision as applied to him or her. The District Secretary shall make every effort to set

a hearing for the next regularly scheduled Board meeting and shall cause notice of such hearing to be given to the appellant no less than five days prior to the hearing date unless notice is waived, in writing, by the appellant. The Board may continue the hearing from time to time. The findings of the Board shall be final. The Board shall rule upon the application within 45 days of acceptance of the written request or appeal unless the Board makes a finding that additional time to make its findings are needed. Nothing contained herein shall be construed as granting the appeal should the procedures detailed in this Ordinance not be strictly followed.

4. **Relief on Own Motion:** The Board may, on its own motion, find by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premises or situation and may, by motion, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.
5. **Use of Water without Application:** Any customer taking possession of premises where the water supply has been shut off must make proper application to the District to have the water supply turned on. In the event water is delivered through the installation without the customer first having made such an application and paying the application fee, the customer will be held liable for all charges for water service rendered, the amount thereof to be determined, at the discretion of the District, either by meter reading or on the basis of the estimated consumption for the length of time, and/or estimated length of time service was received by the customer without proper application.
6. **Discontinuance of Water Service:** If, at any time water service is discontinued, a turn-on charge of \$30.00 will be paid to the District prior to the time the District will continue service.
7. **Pressure Conditions:** The District assumes no responsibility for loss or damage because of lack of water pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. All connections, pumps, tanks, chlorinators or other appurtenances installed at any point in the water line between the meter and the customer's water outlets shall be the sole responsibility of the property owner, both as to the original installation and as to the maintenance and upkeep. Such installation must be approved by the District. Approval shall be based upon standard water works practice as promulgated by the American Waterworks Association and/or District Standard.

8. **Meter Locations:** The District shall approve all meter locations. Water service will be installed in size as determined by the District and at the location desired by the applicant where such requests are reasonable and compatible with function of the distribution system.
9. **Municipal, Industrial and Domestic Service Connections:** Except as otherwise herein provided, each house or building under separate ownership must be provided with its own service connection or connections. Two or more houses or buildings under one ownership and on the same lot or parcel may be supplied through one service connection under the conditions herein set forth or a separate service connection may be installed for each building.
  - a. The District reserves the right to limit the number of houses or buildings, or the area of the land under one ownership to be supplied by one service connection and to limit the number of service connections for any area served.
  - b. When property provided with a service connection is subdivided, the existing service connection shall be considered belonging to the lot or parcel of land which it directly enters.
  - c. A service connection shall not be used to supply water to adjoining property of a different owner or to supply water to property of the same owner on opposite sides of a street or alley, dedicated or offered for dedication. A service connection may supply water to a recreational vehicle or living unit trailer for a maximum of seventy-two (72) hours every ninety (90) days. An illegal service connection providing water service as described in this paragraph shall be subjected to a charge of \$100.00 per incident charged against the property supplying the water Utility Account.
10. **Multiple Unit Connections:** For service to planned unit developments, such as condominiums, apartments or trailer courts or services to parcels that contain more than one dwelling unit, providing that the parcel cannot be split in the future, and subject to the discretion of District staff, one service may be provided. If at any time the parcel is for any reason split the provisions of "Municipal, Industrial and Domestic Service Connections," above, apply.
11. **Service Connection Size and Location:** The District reserves the right to determine the size of the service connection and its location in relation to boundaries of the premise to be served. Any meter larger than one and one-half inches in size shall be:
  - a. compound meter only; and,

- b. Attached only to equal or larger size service leads.

The customer's pipe to the meter should not be laid until the service connection is installed. In the event the customer's on-site water lines are installed and the location at the meter does not correspond with that of the service connection, then the customer must bear any additional costs incurred to relocate the customer's pipe or make whatever changes are necessary.

- 12. **Service Connection Curb Cock and Valve:** Every service connection installed by the District shall be equipped with a curb cock or valve on both inlet and outlet side of the meter; the inlet valve or curb cock is the exclusive use of the District in controlling the use of water through the service connection and/or meter. If either of the above described curb cocks or valves should be damaged or worn-out through use by the customer to an extent requiring the replacement or repair, the District shall charge the customer for such replacement and/or repair.

**ARTICLE 4  
District Billing Process**

- 1. Water meters shall be read and billings for water and sewer service shall be mailed once every two months. Where both water and sewer service are being provided at a given service address, both water and sewer charges shall appear on one bill. The District shall not bill water and sewer charges separately for service addresses receiving both services.

When a meter is covered or otherwise inaccessible, so that it cannot be read, an estimated bill or series of estimated bills, will be rendered. Accumulated errors, if any, in such estimates will be adjusted when the meter is first thereafter read. If an estimated reading is required, the recipient of the bill shall be notified at the time of the billing.

- a. **Minimum Bi-Monthly Charges  
Non-Residential Accounts**

5/8" x 3/4" meter	\$ 29.15
3/4" meter	\$ 36.55
1" meter	\$ 58.40
1 1/2" meter	\$ 109.20
2" meter	\$ 172.30
3" meter	\$ 276.95
4" meter	\$ 473.80
6" meter	\$ 741.30

The minimum bi-monthly water charge, as listed, allows six hundred cubic feet of water. Additional needs will be charged at the metered rate of:

7 - 25 ccf	\$ 2.25 / ccf
Additional Needs	\$ 2.95 / ccf

In addition to the charges listed above, a fee of \$1.14 per ccf, or portion thereof, will be charged to defray the additional costs associated with Zone 3 Lopez Dam Retrofit and the Water Treatment Plant Update.

**b. Bi-Monthly Charges  
Residential Accounts**

The minimum bi-monthly water charges for residential accounts will be \$23.94, which will allow six hundred cubic feet. Additional needs shall be charged at the metered rate of:

7 - 25 ccf	\$ 2.25 / ccf
Additional Needs	\$ 2.95 / ccf

In addition to the charges listed above, a fee of \$1.14 per ccf, or portion thereof, will be charged to defray the additional costs associated with Zone 3 Lopez Dam Retrofit and the Water Treatment Plant Update.

For meters serving more than one residential dwelling unit, the minimum bi-monthly charge shall be calculated as \$3.99 multiplied by six (hundred cubic feet), multiplied by the number of dwelling units served.

**2. Partial Billing:** Partial billings shall be based upon the following chart:

<u>Days of Use</u>	<u>Fraction of Charge</u>
1 - 15	1/4 of Minimum
16 - 30	1/2 of Minimum
31 - 45	3/4 of Minimum
46 - 60+	All of Minimum

**3. Disputed Bills:** Whenever the correctness of any bill for water service is questioned, the District will cause an investigation to be made, including, a meter test in accordance with this Ordinance.



Bills reflecting clerical or meter errors shall be adjusted, taking into consideration the volume of business, seasonal demand, and any other factors that may assist in determining equitable charge.

4. Whenever a bill reflects a high usage as compared with other billing periods, and the owner can produce evidence of a break or malfunction and evidence that the break or malfunction had been repaired, the bill will be presented to the Board of Directors for an adjustment that would invoice the customer the average of the past twelve months water bills. Computation of the average will include the most recent bill and the previous five water bills.
5. **Terms and Conditions for Providing Service and Payment of Bills:** Statements for metered water service will be rendered according to registration of the meter. Statements will be mailed every two months and are due and payable upon presentation. For each property receiving service all responsibility and liability for charges incurred is assumed by the owner of said property until said owner notifies the District, in writing, to discontinue such service. The District cannot be responsible for errors unless such notification is in writing.
6. All billings shall be mailed in the property owner's name to the property owner's residence address. Billings can be sent to the service address even though the owner does not occupy the residence at the service address providing:
  - a. Mail service is provided to the service address.
  - b. The property owner completes an authorization form requesting that a billing (courtesy bill) be sent to service address. The fee for providing a courtesy bill is \$2.40 per bill.
7. **No Single Services:** Except as may be otherwise specifically approved by the Board, services to newly constructed buildings shall include both water and sewer. One service will not be provided without the other.

## **ARTICLE 5 Nonpayment of Utility Bills**

1. A customer's water service may be discontinued if a utility bill become delinquent.
  - a. Charges not collected within twenty (20) days of billing shall be delinquent.

- b. If charges and penalties are not collected within twenty (20) days of billing, the General Manager is authorized to commence Service Termination Procedures pursuant to the Service Termination Procedures section below.
- c. The General Manager, at his or her discretion, may cause a meter reading to be made at any time; and thereupon, the bill for water and sewer used since the previous reading shall become immediately due and payable and shall become delinquent on the tenth (10<sup>th</sup>) day following the mailing or the presentation of the bill; and such account shall be subject to all applicable delinquency and termination procedures if the bill is not collected within the ten (10) day period.
- d. **Service Termination Procedures:**
  - i. The owner or their authorized agent (not a tenant) shall be mailed a written notice (second notice) of the intent to shut-off water and an explanation of the reason for the termination of service. The second notice shall be mailed no earlier than twenty days from the date of mailing the District bill for services. Once this second notice is mailed, there will be a \$5.00 service charge (second notice fee). No earlier than fifteen days after the second notice is mailed, a good faith effort will be made to contact an adult person residing at the premises in the form of a delinquency notice to be posted on the building where the service is to be disconnected. The posted notice shall state that unless the charges and penalties are paid within forty-eight hours, service will be discontinued. Once the delinquency notice is hung, there will be an additional \$25.00 service charge (delinquency fee).
  - ii. Should it ever become necessary to remove a water meter or to discontinue service for reasons other than maintenance, there shall be a \$30.00 service charge (reconnection fee) for its replacement. If water service has been turned off for failure to pay for service, the customer, before water is restored, shall in addition to being required to pay all amounts then due, pay in advance during normal business hours a reconnection charge of \$30.00. If the reconnection charge is not paid before 3:30 p.m. on any working day, then the water service may not be turned on until the next working day. If the customer desires their service to be turned on the same day ~~the same day~~ they have paid all charges due, including the reconnection charge, and said payments have been made after 3:30 p.m. on a working day, then the reconnection charge shall be increased

by the cost for call-out service. Call-out service—s are a minimum of two hours at time and one-half pay.

- iii. A service charge (returned check fee) of \$30.00 for each returned check will be collected, subject to relief by the General Manager due to mitigating circumstances. In addition, the General Manager may require, at this or her discretion, payment in cash, certified check or other means acceptable to him or her, as bonafide payment.
  - iv. At the discretion of the General Manager, a sum balance not to exceed \$30.00 may be carried forward to the next bill.
  - v. Returned Checks: A service charge (returned check fee) of \$30.00 for each returned check will be collected, subject to relief by the General Manager due to mitigating circumstances. In addition, the General Manager may require, at his/her discretion, payment in cash, certified check or other means acceptable to him/her, as bonafide payment.
- 2. If a customer receives water service at more than one location, and the bill for service at any one location is not paid, water service at all locations may be turned off upon the approval of the Water and Sewer Committee.
  - 3. District personnel shall not be required to call at the house before turning off water nor shall District field personnel receive payments. Reconnection payments, along with penalties and any other charges shall be made at the District office.
  - 4. **Delinquent Charges Become a Lien:** Charges of any kind more than 120 days delinquent plus penalties and interest thereon when recorded as provided in Section 61621.1 et seq of the California Government Code, shall constitute a lien upon the real property except that no such lien shall be created against any publically owned property. Such lien shall continue until the charge, penalties, and interest thereon are fully paid, or until the property is sold, or until otherwise extinguished by operation of law.

In the event that a lien is filed, or any action of law is commenced for the collection of such delinquent charges, the District shall compute the amount of the charge plus penalties, disconnection fees, administrative costs, and interest on the sum thereof at the rate of one-half of one percent per month from the date of delinquency, and shall report the total of such computation to the County Auditor for inclusion on the tax rolls. A copy of such report shall be recorded with the County Recorder.

5. **Addition of Unpaid Fees and Charges to the Tax Roll:** On or before July 15 of each calendar year, the Secretary of the District shall prepare a list of persons owing connection fees, service charges, penalties and other charges. The Secretary, immediately upon preparing such a list shall follow the procedures for notice and hearing set forth in Section 61621.2 et seq of the California Government Code and upon completion of same a delinquent list shall be transmitted before August 10<sup>th</sup> of such year to the County Auditor for additional to the assessment roll as provided for in said Section 61621.2 et seq of the California Government Code.
6. **Unsafe Apparatus:** The District may refuse to furnish water and may discontinue service to any premise where unsafe apparatus is installed or where any apparatus is installed to circumvent the provisions of this Ordinance. Discontinuance will occur immediately upon discovery of any such installation. An illegal service connection providing water service as described in this paragraph shall be subjected to a charge of \$100.00 per incident charged against the property supplying the water Utility Account.

## **ARTICLE 6**

### **Maintenance of Service Connections, Meters and Housings**

1. All service connections, water meters, and housings installed by the District shall be maintained at District expense, except as otherwise herein provided. Backflow prevention devices, the requirements of which are detailed below, will be maintained at customer expense.
2. **Improvement of Water System by Others:** Any customer or owner desiring to make improvements or changes necessitating the cutting, refitting, raising or lowering of service connections, water mains, fire hydrants, standpipes, meters, valves or other parts of the water system shall notify the District. If such changes are approved by the District, the work shall be accomplished by District personnel or under the direct supervision of District personnel with the owner or owner's agent paying actual costs thereof including administration and overhead costs.
3. **Damage to Meters, Service Connections and Obstructions Around Meters:** The District reserves the right to furnish, set and maintain all meters and service connections. Said meters and service connections shall be maintained by the District. Replacement shall be made by the District when such equipment is rendered unserviceable through reasonable use. However, the cost of replacements and repairs or adjustments of any equipment of the District (including water meters) when rendered necessary by any act of negligence or carelessness of the customer, shall be made by the District at the expense of the property owner.

In addition, it shall be the duty of each property owner to keep the space above the water meter or shut-off box, or fire hydrant, or valves free from any obstruction that may in any way interfere with access to the same by employees of the District, and in the event that any customer fails after twenty-four hour notice to remove any obstruction thereto, the District may remove the same and charge the customer for the cost of removal of such obstruction.

4. **Change of Meter Location:** When the location of a meter is change at the property owner's request, the total cost, including administration and overhead, of making such a change will be paid by the owner. Payment must be received by the District prior to the relocation of the meter.
5. **Meter Found Not Registering:** When a meter is found to be out of order, the charge for water will be based upon the average of the past twelve water bills.
6. **Water Supply Shut-off for Repairs or Modifications to the System:** The District reserves the right, at any and all times, to shut-off the water for the repairing, extending, or altering, etc., of water mains, the repairing and replacing of hydrants, the repairing and renewing of water service connections, or the changing and testing of water meters or detector check valves, etc.

When the water supply is to be shut-off for any of the above reasons, the District will make a reasonable effort to deliver a notice of the shut-off to the customer or to some responsible interested person on the premises but it does not assume any liability for the failure of the customer to receive or to understand such notice. The District shall not be responsible for the maintenance of pressure, nor the continuity of water supply, and the customer's dependent upon a continuous water supply should provide adequate storage for emergencies.

Customers having water heaters or any other devise requiring a continuous water supply, should take all necessary steps to prevent water damage to or the causing of injury by such devices as a result of the shutting-off of the water supply.

7. **Damage Through Leaking Pipes or Fixtures on the Premises Served:** The District assumes no responsibility for the maintenance and operation of the customer's water system beyond the service connection. The customer assumes all liability and responsibility of every kind to the end that the District shall be kept whole and harmless at all times in any claim resulting from

matters involving quantities, quality, time and occasion of delivery, or any other phase of maintenance operation and service of customer's water system.

8. **Tampering with District Property:** Except to shut-off water to prevent damage, no person, other than an authorized District employee, shall at any time or in any manner, operate, or cause to be operated, any valve in or connected to a water main, service connection or fire hydrant, or tamper or otherwise interfere with any water meter, meter valve, backflow prevention device detector check valve or other part of the water system.

In the event a person, firm, or corporation for any reason digs out or uncovers a curb cock or wheel valve controlling a water supply, or lifts or removes a meter cover or its center piece, or causes or suffers any such to be done, such person, firm or corporation will be held liable for any injury or damage occasioned thereby or resulting therefrom.

9. **Admittance of District's Employees to Customers' Premises:** After giving reasonable notice excepting in situation involving risk to life or property, authorized inspectors, agents and employees of the District shall have the right of entry and access, at all reasonable times, in, to and upon customers' buildings (other than residential buildings), grounds or premises, for the purpose of:

- a. Testing, changing or reading water meters installed, maintained and operated by the District.
- b. Inspecting any and all such building, grounds and premises (including any and all plumbing, water piping, fixtures, and connections therein or thereon) to determine:
  1. The manner and quantity of such use; or,
  - ii The existence of any condition causing, or likely to cause, the wastage of water or affecting, or likely to affect, the furnishing or receipt of water service.
- c. Determining the existence, operation, maintenance and/or use in, on, or about said buildings, grounds or premises of any plumbing, water piping, water fixture or connections which may now or hereafter cause, create or permit backflow, backsiphonage or any other condition affecting, or likely to affect, the purity and/or potability of the water supply furnished by the District; and,
- d. Facilitating the enforcement, from time to time, by District, of any and

all of its applicable rules and regulations. Each District inspector, agent and employee shall be furnished with, and upon the request of any customer shall display, appropriate evidence of identification.

10. **Cross Connections:** Cross connections of any type which may permit a backflow of water from a supply other than that of the District into the District's mains are prohibited. Any connection constituting a potential backflow hazard is permissible only to the extent approved by the District and shall be protected by an approved backflow device. Since the hazard of potential pollution is created by operations on the property, the expense of installation and maintenance of said devices shall be paid by the customer. Such a connection shall at all times be subject to inspection for possibility of backflow.

## **ARTICLE 7**

### **Promulgation and Enforcement of Water Service Requirements**

1. The District shall promulgate, prescribe and enforce such water service requirements as may be necessary or convenient for the protection, control of the water service connections sold, supplied, delivered, distributed, and/or maintained pursuant to this Ordinance.
2. Each and every condition and requirement with respect to use, connection, disconnection, reconnection, and/or discontinuance of water, water service and/or water service connections provided for and set forth herein shall apply with equal force and effect to any failure or refusal of any person or corporation, public or private, to comply with any such water service requirements.
3. There shall be no deviation from the requirements of this Ordinance except upon express authorization by the General Manager or his designated representative.

## **ARTICLE 8**

### **Meter Test:**

1. Customer request for meter test
  - a. A customer, giving not less than one week's notice, may request the District to test the meter serving its premises.
  - b. The District shall require the customer to pay an amount to cover the reasonable cost of the test. The payment required shall be \$40.00.

- c. The payment shall be returned if the meter is found to register more than two percent fast. The customer will be notified, not less than five days in advance, of the time and place of the test.
  - d. The customer shall have the right to require the District to conduct the test in their presence or in the presence of their representative.
  - e. A written report giving the results of the test will be given to the customer within ten days after the completion of the test.
2. When, upon test, a meter is found to be registering more than two percent fast, under conditions of normal operation, the District shall refund to the customer the full amount of the payment for the test and the overcharge, based upon correct meter readings for the period, not exceeding six months, the meter was in use.
  3. If a meter fails to register during any period while in use or is known to register inaccurately, the customer shall be charged in accordance with the provisions previously herein set forth.

## **ARTICLE 9**

### **Temporary Supply from Fire Hydrants**

1. Water may, upon application and a payment of a \$30.00 fee, be procured for a fire hydrant permit wherein the applicant shall specify the location of the fire hydrant to be used. The applicant at the time of application shall pay the District a deposit of \$500.00 as security for the meter and pay for the charges due. The deposit will be refunded, less the cost of the water used and a \$30.00 disconnect fee, upon return of the meter device in the same condition as issued.
2. Application for hydrant meters shall be for a period of sixty days or portion thereof to run coterminous with the District billing period. Failure to renew the application within ten days of the expiration of the sixty day period will cause the applicant to renew the application with a re-payment of the application fee.
3. Upon receiving permission to so procure water from a fire hydrant, the applicant shall only operate said hydrant with wrenches or tools specifically designed for hydrant operation. The use of crescent wrenches or other tools not manufactured for hydrant operation is prohibited.

## **ARTICLE 10**



## Miscellaneous

1. The revenue that make up the District's reserves shall be charged with the obligation of payment of periodic shortfalls in revenue, if any collected pursuant to this Ordinance to meet the District's contractual commitments as well as on-going costs of providing water service.
2. Existing Water Ordinances. Existing water rules, regulations and charges can be found in the following locations:
  - a. Ordinance 1984-1
  - b. Ordinance 1984-2
  - c. Ordinance 1986-3
  - d. Ordinance 1987-2
  - e. Ordinance 1992-4
  - f. Ordinance 2002-1
3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent with or in conflict with the terms and conditions of any prior District Ordinance(s), motions, resolutions, rules or regulations governing the same subject, the terms and conditions of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistency and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.
4. Severability. If any section, subsection, sentence, clause or phrase or this Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The Board hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.
5. Effective Date. This Ordinance shall take effect and be in full force and effect thirty (30) days from the date of passage; and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once with the names of the members voting for and against the Ordinance in the Five Cities Times-Press-Recorder.

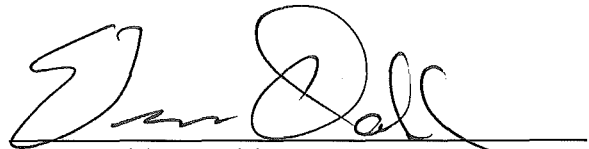
**INTRODUCED** at a regular meeting of the Board of Directors on the 22nd day of February 2006, and **PASSED AND ADOPTED** by the Board of Directors on the 8th day of March, 2006, upon the motion of Director Angello, seconded by Director Mann, and upon the following roll call vote, to wit:

AYES                      Director Angello, Director Mann, President Dahl

NOES                      Director Hill, Vice President Bookout


ABSENT                    (None)

ABSTAINING              (None)



Vern Dahl, President

Attest:



Gina A. Davis, Deputy Board Secretary