

ORDINANCE NO. 2019-02

**AN ORDINANCE OF THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
ENABLING WATER RATES, FEES AND CHARGES, AND ESTABLISHING THE RULES AND
REGULATIONS FOR WATER SERVICE WITHIN THE DISTRICT SUPERSEDING ORDINANCE NO.
2017-01 ENTITLED, "ENABLING WATER RATES, FEES & CHARGES, & ESTABLISHING THE RULES
& REGULATIONS FOR WATER SERVICE WITHIN THE DISTRICT"**

BE IT ORDAINED by the Board of Directors of the Phelan Piñon Hills Community Services District, that Ordinance No. 2017-01, adopted on February 15, 2019, is hereby superseded with the District's Policy No. 7100 as follows:

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SECTION 7102. GENERAL PROVISIONS

7102.01 **Short Title** – This Policy may be cited as the Phelan Piñon Hills Community Services District’s Water Rules & Regulations and Policy.

7102.02 **Purpose** – This Policy is intended to provide rules and regulations applicable to the administration and operational activities of the District. This Policy may be amended from time to time by action of the Board of Directors of the Phelan Piñon Hills Community Services District.

7102.03 **Enabling Statutes** – This Policy is adopted pursuant to the applicable provisions of the Community Services District Law (California Government Code Section 61000 et seq.), and further pursuant to the Constitution of the State of California. It is therefore the intent of the Board of Directors to establish by this Policy those procedures and policies necessary to the orderly administration of providing water service.

7102.04 **Application** – This Policy shall apply to all water facilities constructed, maintained, and operated by the District. This Policy of water service regulations shall apply to all District customers. All of the other parts and Sections of these Rules and Regulations shall be supplemental hereto.

7102.05 **Enterprise** – The District will furnish and/or make available, a system, plant, works, and undertaking used for and useful in, the delivery of water for the District's service area, including all annexations thereto, lands, easements, rights in land, contract rights, and franchises.

7102.06 **Severability** – If any section, subsection, sentence, clause, phrase, or portion of this Policy or the application thereof to any person or circumstances are for any reason held to be unconstitutional or invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Policy or the application of such provision to other persons or circumstances. The governing body hereby declares that it would have passed this Policy or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases be declared to be unconstitutional.

7102.07 **Words & Phrases** – For the purpose of this Policy all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

7102.08 **Posting** – Upon adoption, this Policy shall be entered in the minutes of the governing body and certified copies hereof shall be posted in accordance with the law.

7102.09 **Means of Enforcement** – The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of its Policies, Rules and Regulations

7102.10 **Notices** – Whenever a notice is required to be given under this Policy, unless different provisions are specifically made herein, such notice may be made either by personal delivery thereof to the person to be notified or by deposit in the U.S. Mail in a sealed envelope, postage prepaid, addressed to such person at their last known business or residence address as the name appears on public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this Policy or other provisions of law applicable to the subject matter concerned.

Notice from customer to the District shall be given in writing and sent to the District’s current mailing address.

7102.11 **Effect of Heading** – The title, division or section headings contained in this Policy shall not be deemed to govern, limit or modify in any manner, the scope, meaning, or intent of any section or subsection of this Policy.

7102.12 **Ruling Final** – All Rulings of the District shall be final. All rulings of the General Manager shall be final, unless appealed in writing to the Board within five (5) days of the General Manager’s decision. When appealed, the Board’s ruling shall be final. Appeals to the Board may be processed in accordance with Section 7116 of this Policy.

7102.13 **Bills Against Property** – Any and all bills rendered for the use of water or water service shall be deemed to be an indebtedness against the property; and, at the option of the District, legal action may be taken, making unpaid water bills a lien against the property.

7102.14 **Conflict in Provisions** – In the event that the provisions of this Policy conflict with any code, ordinance or regulation of the District, the provisions of this Policy shall govern. In the event any provision of this Policy conflicts with a preemptive provision of State law, this Policy shall be interpreted and applied in conformity with State law.

SECTION 7103. DEFINITIONS

The following definitions apply throughout this Policy:

7103.01 **Agricultural Water Service** – Service of water to a customer for commercial agricultural purposes.

7103.02 **Applicant** – The person making application hereunder and who shall be the owner of the premises involved, or their authorized agents, so authorized in writing to the District, or a licensed plumber or contractor.

7103.03 **Backflow Prevention Facility** – Any device or combination of devices which together with complementary and/or supplementary fittings and appurtenances meets the requirements of Title 17 of the Administrative Code of the State of California and the requirements of this Resolution to prevent cross-connections.

7103.04 **Board** – The Board of Directors of the Phelan Piñon Hills Community Services District, acting in its capacity as the governing body of the District.

7103.05 **Commercial Water Service** – Service of water to a private, non-governmental customer engaged in a commercial, mercantile, educational, research, health related, religious service, or similar activity for purposes of profit or for non-charitable or non-secular charitable or other service to select individuals or groups. Churches, private educational institutions, private hospitals and private educational institutions, private hospitals and private research institutions shall come under this definition.

7103.06 **Connection** – The pipe line and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from the main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

7103.07 **Cost** – The cost of labor, materials, transportation, supervision, engineering, and all other necessary overhead expenses.

7103.08 **County** – The County of San Bernardino, California.

7103.09 **Cross-Connection** – Any physical connection between the piping system from the District service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the District's distribution mains.

7103.10 **Curb Valve** – A valve generally known in the water industry as a curb cock, angle stop, meter stop, or similar name and is for the purpose of controlling the flow of water through the customer’s service by the District and shall not be operated by the customer. The curb valve is normally located within the meter box on the street side of the meter, and is to be distinguished from the customer’s meter valve defined hereafter.

7103.11 **Customer** – Any person supplied or entitled to be supplied with water service by the District.

7103.12 **Customer's Service Valve** – A valve independent of the District's facilities located in the customer's piping as close to the meter as practicable, the operation of which will control the entire water supply from the meter.

7103.13 **Detector Check** – A combination check valve and bypass meter for use in private fire protection service facilities for the purpose of detecting and measuring small, non-fire related flows (detect and measure unauthorized use); with the check valve designed to open automatically and allow fire-flow to pass without being measured.

7103.14 **Disconnection/Discontinuation** – For the purposes of this policy the terms “Disconnection” and “Discontinuation” and “Shutoff” shall be interchangeable. All disconnections shall meet the standards set by Government Code Section 60370 et seq. and the “Water Shutoff Protection Act” [Health and Safety Code (“HSC”) Section 116900 et seq.].

7103.15 **District** – Phelan Piñon Hills Community Services District, a Community Services District organized and operating pursuant to the Community Services District Law, California Government Code Section 61000 et seq., to among other purposes, provide water service to the water users within the boundaries of the District.

7103.16 **Equivalent Dwelling Unit** – Any structure or portion of a structure, mobile or otherwise, with twenty (20) or less fixture units pursuant to the Uniform Plumbing Code, which is for the purpose of permanent or temporary habitation by a person or group of persons, excepting hotels, motels, and similar commercial hostelry units.

7103.17 **Facility** – Any physical structure, appliance, or item, and the land or easement or right-of-way on or in which they are located, which is associated in any way with the production, transmission, storage, distribution, delivery measurement, or control of water and the management and operational function thereof. Vehicles and other movable equipment may be considered a facility in the context of these Rules and Regulations.

7103.18 **Facility/Capacity Charges** – Charges determined in accordance with Government

Code 66000, et seq., or any successor statutes to pay for the facilities of the District.

7103.19 **Facilities Manager** – The person appointed by the General Manager to be responsible for the actual operation of the District’s facilities. The District refers to this position as the “Water Operations Manager.”

7103.20 **General Manager** – The General Manager of the District.

7103.21 **Governing Body** – The Board of Directors.

7103.22 **HSC 116916** – California Health and Safety Code, Division 104 – Environmental Health, Part 12, – Drinking Water, Chapter 6 – Discontinuation of Residential Water Service, Section 116916.

7103.23 **Inspector** – The person or persons who perform the work of inspecting construction of water systems which are owned, or will be owned, and operated by the District. Such inspector shall be charged with determining the conformance of such water systems, or the facility components thereof, with the requirements of these Rules and Regulations and the District’s Standards.

7103.24 **Main** – A water line in streets, highways, alleys, easements, or right-of-ways used for the purpose of transmission and general distribution of water owned and operated by the District.

7103.25 **Mainline Extension** – An extension of a District mainline for the purpose of extending the District’s water system facilities to premises not currently adjacent to same.

7103.26 **May** – Means permissive.

7103.27 **Owner** – The person owning in fee title, or in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.

7103.28 **Permit** – Any written authorization required pursuant to these Rules and Regulations or any other regulation of the District.

7103.29 **Person** – Any human being, individual, firm, company, partnership, association and private, public or municipal corporation, the United States of America, the State of California, district, special district, and any other political subdivision, governmental agency, or other public entity or agency.

7103.30 **Potable Water** – Water which is fit and healthful for human consumption and meets the minimum requirements of all applicable laws and regulations.

7103.31 **Premises** – A lot or parcel of real property under one ownership, except where there are well defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office building may be classified as single premises.

Except as set forth in this definition, a physically separate structure housing one or more dwelling units, or an integrated commercial, industrial, public or agricultural undertaking, under common ownership or control. Condominiums and Townhomes will be considered separate premises, even if contained within a common structure, unless an effective, legally constituted association is continuously available to provide common control or responsibility for debt. The District shall require properties with more than one residence to obtain separate meters for each residence pursuant to Section 7107.02.2 of this Policy.

7103.32 **Private Fire Protection Service** – Water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore.

7103.33 **Public Fire Protection Service** – The service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

7103.34 **Public Water Service** – Water service to a customer directly supported by public funds and engaged in a governmental, public, educational, public health or research function; or a charitable, or legally non-profit secular activity of benefit to or providing service to the general, secular public.

7103.35 **Regular Water Service** – Water service and facilities for normal residential, commercial, industrial, public or agricultural purposes on a permanent basis, as opposed to temporary service for construction or other purposes and temporary or permanent private or public fire protection service.

7103.36 **Relief Valve** – A pressure relief device in the customer’s plumbing system.

7103.37 **Residential** – Any single family unit, any duplex or triplex family unit not requiring licensing for occupancy and operation.

7103.38 **Residential Water Service** – Water service to a customer for use in connection with residential habitation of a dwelling unit including uses incidental to the premises such as maintenance of landscaping. Such service, by definition, excludes all uses which come under the definition of commercial, industrial, agricultural, or public water service.

7103.39 **Service Account** – The account assigned to each service to which water delivery is made. This is generally associated with a water meter assigned to that service account that is serving a specific property or portion of a property.

7103.40 **Service Line** – The pipeline, connecting valves and fittings, used to extend water service from a meter to customer’s facility.

7103.41 **Shall or Will** – Means mandatory.

7103.42 **Shutoff** – See “Disconnection/Discontinuation”

7103.43 **Single Family** – A person or group of persons existing as a single family unit by ordinary societal standards.

7103.44 **Standards** – Those Standards adopted by the District to aid in the construction of any and all District facilities.

7103.45 **State** – The State of California.

7103.46 **Sub-Divider** – Any person undertaking proceedings under applicable State laws and County ordinances to effect a land division.

7103.47 **Subdivision** – Any real property divided into lots or parcels in accordance with the State of California Subdivision Map Act and applicable county ordinance.

7103.48 **Temporary Water Service** – Water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.

7103.49 **Unplanned Interruptions in Service** – An unplanned interruption in water service from a cause beyond the control of the District.

7103.50 **Waste** – Shall mean any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to; the use of water for any purpose which allows flooding or runoff in gutters, driveways, streets or adjacent lands; the use of water in violation of any of the specific uses prohibited and restricted by this Policy as hereinafter

set forth; or the use of water in violation of any other Ordinance or Resolution of the District either in effect at this time or as hereinafter adopted.

7103.51 **Water Service Connection** – The connection of a meter or service to the District system, the installation of a meter or service.

7103.52 **Water Standby/Availability Fees** – A charge collected annually by the District based upon the degree of water availability to each lot or parcel of land, in accordance with Section 61124 of the Government Code. See the District’s Annual Water Standby and Availability Fees Resolution for a statement of charges.

7103.53 **Water Supply Shortage** – Shall mean any water shortage caused by drought or any other threatened or existing water shortage, disaster or facility failure, earthquake, loss of electrical power, pipe line breakage, or other condition which results in or threatens to result in the District's inability to meet the water demands of its customers.

7103.54 **Water System** – The District’s plant, equipment, structures, tools, works, property and property rights, and the management, operation, and maintenance thereof, used for and useful in the production, storage, transmission and distribution of water, and the management, operation, and maintenance thereof, for the benefit of its customers.

7103.55 **Water User** – Shall mean any person, firm, partnership, association, corporation or political entity using water obtained from the water system of the District.

7103.56 **Water** – Shall mean that water supplied by the District.

SECTION 7104. GENERAL RULES

7104.01 **Standards** – The Governing Body may, from time to time, adopt standard requirements for the design, construction, repair and maintenance, or connection to District water system.

7104.02 **Violation Unlawful** – Following the effective date of this Policy, it shall be unlawful for any person to connect to, construct, install, provide, maintain or use any other means of water facilities from any building in the area serviced with water by said District except by connection to water facilities in the manner as provided for in this Policy. Any violation of this Policy will be subject to the provisions of this section, at the discretion of the General Manager.

7104.03 **Notice of Violation** – Wherever or whenever practicable under the particular circumstances and pursuant to the discretion of the General Manager, any person found to be violating any provision of this or any other ordinance, resolution, rule or regulation of the District shall be served, by the Inspector or other authorized person, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two (2), nor more than seven (7), working days, unless otherwise specified. The offender shall, within the period of time stated in such notice, permanently cease all violations. Upon being notified by an authorized representative of the District of any defect arising in any water facility or of any violation of this Policy, the person or persons having charge of said work shall immediately correct the same. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, resolution, rule or regulation of the District.

7104.04 **Protection from Damage** – No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's water works. Any person violating this provision shall be subject to the penalties provided by the District and or by law.

7104.05 **Investigation Powers** – The officers, inspectors, manager and any other duly authorized employees of the District shall carry evidence establishing their position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all building, industrial facilities and properties to which the District is furnishing water or has been requested to furnish water 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 the ordinances, resolutions, rules and regulations of the District pursuant to the authorization contained in the required application for water service.

7104.06 **Noncompliance with Regulations** – As an alternative method of enforcing the

provisions of this or any other ordinance, resolution, rule, or regulation of the District, the District shall have the power to disconnect the user or subdivision water service from the water mains of the District. Upon disconnection, an authorized representative of the District shall estimate the cost of disconnection from and reconnection to the system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system.

7104.07 **Liability for Violation** – Any person violating any of the provisions of the ordinances, resolutions, rules or regulations of the District, or permitting or maintaining any property in violation of any of the ordinances, resolutions, rules or regulations of the District, shall be liable to the District for any expense, loss or damage, occasioned by the District by reason of such violation. Such liability shall be in addition to any other civil or criminal penalties imposed under this Policy or under any other provision of law.

7104.08 **Penalties & Fines** – A violation of this Policy may be enforced by the District by levy and/or imposition of fines and/or penalties adopted by the Board pursuant to separate Resolution, after thirty (30) days public notice, specifically identifying the violations of this Policy for which such fines and/or penalties may apply.

7104.09 **Relief on Application** – When any person, by reason of special circumstances, is of the opinion that any provision of the ordinances, rules or regulations of the District is unjust or inequitable as applied to the person or premises, may file a written application to the Governing Body within the time frame identified in Section 7102.12 stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to a particular premises. If such application is approved, the Governing Body may, by resolution, suspend or modify the provision complained of, as applied to such person or premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

7104.10 **Relief on Own Motion** – The Governing Body may, on its own motion, find that by reason of special circumstances, any provisions of its ordinances, rules or regulations should be suspended or modified as applied to a particular person or premises and may, by resolution, order such suspension or modification for such premise during the period of such special circumstances or any part thereof.

7104.11 **Maintenance of Water Pressure & Pressure Conditions** – The District shall not accept any responsibility for the maintenance of pressure and it reserves the right to discontinue service while making emergency repairs, or other work required on the water system as determined by the General Manager. Customers dependent upon a continuous supply should provide emergency storage. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the District harmless for

any damages arising out of low pressure or high pressure conditions or interruptions of service.

7104.12 **Tampering with District Property** – Except as otherwise specifically authorized by the General Manager, no one, except an employee or representative of the District, shall at any time in any manner operate the curb valves, main valves, gates or valves of the District's system; or interface with meters or their connections, street mains or other parts of the water system.

7104.13 **Charge for Violation** – Failure of a customer to comply with all or any part of this ordinance, or any other ordinance, resolution or order fixing rates and charges of this District, a charge for which has not hereafter been specifically fixed, shall be discontinued and the water shall not be supplied such customer until the customer is in full compliance with the rules and regulations, rate or charge which have been violated.

7104.14 **Water System** – The District will furnish a system, plant, works and undertakings used for and useful in obtaining, conserving and disposing of water for public and private uses, including all parts of the Enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

7104.15 **Number of Services per Premises** – The applicant may apply for as many services as may be reasonably required for their premises provided that the pipeline system for each service be independent of the others and that they not be interconnected.

7104.16 **Waste of Water** – Where water is wastefully or negligently used on a customer's premises, the District may discontinue the service if such conditions are not corrected after giving notice of violation as provided in Section 7104.03 of this Policy, or as provided in any other ordinance, resolution, rule or regulation in effect at this time or as hereinafter adopted or amended.

7104.17 **Responsibility for Equipment on Customer Premises** – All facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired or replaced by the District without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities.

7104.18 **Damage to Water System Facilities** – The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act or omission of the customer or their tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage

promptly on presentation of a bill.

7104.19 **Ground-Wire Attachments** – All individuals or business organizations are forbidden to attach any ground-wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

7104.20 **Control Valve on the Customer Property** – The customer shall provide a valve on their side of the service installation, as close to the meter location as practicable, to control the flow of water to the piping on their premises. The customer shall not use the service curb stop to turn water on and off for their convenience.

7104.21 **Customer's Pressure Reducing & Pressure Relief Valves** – Many of the District's customers have customer's meter facilities attached to the District's water system in locations where the water system pressure will continuously, or from time to time, exceed 80 psi. The District will voluntarily, but without obligation to do so, attempt to notify all new customers of such possibility and advise them to install a pressure reducing valve and pressure relief valve.

Such pressure reducing and relief valves should then be installed by the customer within customer's own plumbing for the purpose of reducing and/or relieving the pressure of the water reaching the house plumbing and appliances to 80 psi or less.

7104.22 **Unsafe Apparatus** – Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

7104.23 **Cross-Connections** – Water service may be refused or discontinued to any premises where there exists a cross-connection as defined in Section 7103.09 of this Policy.

7104.24 **Fraud or Abuse** – Service may be discontinued if necessary to protect the District against fraud or abuse.

7104.25 **Interruptions in Service** – The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the District.

7104.26 **Ingress and Egress** – Representatives from the District shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

7104.27 **Installation of Services** – Only duly authorized employees or agents of the District shall be authorized to install service connections. All service connections shall comply with the

specifications of the District. Meters will be installed in the parkway area, and shall be owned by the District. No rent or other charge will be paid by the District for a meter or other facilities, including connections. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

7104.28 **Change in Location of Meters** – Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at District expense.

7104.29 **Size & Location** – The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys or easements, or to extensions thereof as herein provided. Services installed in new subdivisions prior to the construction of streets in advance of street improvements must be accepted by the applicant in the installed location.

Customer's meter, or any components thereof, which are moved at the request of the customer shall be moved by the District. The customer shall pay the costs of such relocation based on the District's estimate of the percentage applicable to the schedule of the same size new customer facility, as set forth in the District's Rates and Fees Resolution. Such costs together with applicable turn-off and turn-on fees, if any, shall be paid by the customer as a condition of turning the water meter back on.

Customer meter facilities relocated or altered for the convenience of the District shall be at the expense of the District.

7104.30 **Curb Valve** – Each service connection installed by the District shall be equipped with a curb valve or wheel valve on the inlet side of the meter. Such valve or curb valve is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb valve or wheel valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.

7104.31 **Access to Meters** – The District reserves the right to enter upon the applicant's premises for the purpose of reading, repairing or replacing the water service meter. The applicant shall be solely responsible for the control of all animals which may pose a potential threat to District employees and shall be liable for any injury to District employees resulting from unrestrained animals. Should an applicant for new service fail to properly restrain animals present on their property, the District may, upon written notice, refuse to install or turn-on service until such time as the District determines that a threat to its employees no longer exists. In the case of existing customers, where District employees may encounter some personal risk in attempting to read a meter (due to the presence of unrestrained animals, or otherwise), the employee is not

required to read the meter, and the customer's bill will be estimated based upon the last year's consumption plus the average increase in consumption in the District. At the request of the customer, the meter will be read in the presence of the customer or someone of their choosing, so that over estimates and under estimates of use may be rectified on the bill.

Easements shall at all times be kept free and clear of fences, structures, concrete or asphalt, or obstruction or blockage of any kind which will impair the District's capability to enter for the purpose of operating, maintaining, repairing, or replacing facilities or reading meters. The District shall have the right, without notice, to clear such obstructions and blockages and the person causing such obstruction or blockage shall not be compensated by the District for the loss thereof or damage or alteration thereto.

7104.32 **Applicability** – This Policy shall apply to all water system meter improvements, replacements and extensions of whatever kind and shall be strictly adhered to by all persons planning and designing improvements to the District's water system. All design and construction shall take into account the applicable zoning and the established improvement level criteria for the subject property or development as defined in the County General Plan or Community Plan, where applicable. Except those portions where options are allowed and professional engineering judgment is inherently required, no exceptions shall be made to these standards except by action of the District. Any variance desired shall be submitted to the District, along with a report and recommendations for such variance. Final determination of any variance shall be by the District. The District's Standards, as approved by separate action, are incorporated herein by this reference.

SECTION 7105. APPLICATION FOR REGULAR WATER SERVICE

7105.01 **Application for Water Service** – The property owner, or their agent as designated in writing, shall make application for regular water service by personally signing an "Application for Water Service" form provided by the District which shall contain such information as required by the District. The customer shall pay the necessary account setup charge, to be included on the customer's first bill, as prescribed in the latest District resolution on charges and fees adopted by the Board of Directors. The District will further use the application to determine the nature of the customer's water use to determine if the existing meter facility is adequate for connection to the District's facilities.

7105.02 **Water Service to Customers Other Than Property Owners** – Water service to customers other than property owners shall be made as follows:

7105.02.1 **Property Owner's Consent** – If a property owner rents/leases the premises to a tenant, the District may permit the tenant to have water service instituted in the tenant's name, provided that the District's owner authorization form is completed and signed by the property owner, or the tenant can provide proof of legal occupancy, such as a rental agreement, lease agreement, cancelled checks to the owner of record, and/or a notarized document by the owner of record.

7105.02.2 **Responsibility & Liability** – Both the tenant and the property owner shall be liable for any unpaid charges, fees, rates, penalties, interest, and damages required as a result of nonpayment of any District fees, charges, and rates as provided in this Policy, or as provided in any other ordinance, resolution, rule or regulation in effect at this time or as hereinafter adopted or amended.

7105.02.3 **Owner Responsibility** – Whether or not a property owner signs the District's application for service form, and whether or not the District mails the property owner the application for service, the property owner shall be responsible for any unpaid water charges for the subject property as provided in this Policy and pursuant to California Government Code Sections 61115 and 61100(a) and Water Code Section 71618, whether such charges are incurred by the tenant or the owner.

7105.03 **Security Deposits** – Security deposits may be required if deemed appropriate by the General Manager. Security Deposits, if required, are as follows:

7105.03.1 **Security Deposit - Residential** – A security deposit for a single family residential unit shall be required except upon the determination by the District that the person requesting service is credit worthy. The determination of credit worthiness shall be upon criteria determined by the General Manager or their designee, and may be appealed

in writing to the Board within five (5) days of the General Manager's decision. Appeals shall be processed in accordance with Section 7116 of this Policy.

7105.03.2 **Security Deposit - Commercial** – A security deposit for each commercial, retail unit or multi-unit complex shall be deposited at the time application is made.

7105.03.3 **Payment of Security Deposits** – A security deposit may be required from the applicant as a condition of establishment of new residential or commercial service, or as a condition of reinstating service after disconnection due to failure to pay the account when due. Prior to initiation of new service or reinstatement of prior service, all charges and deposits shall be paid in full.

7105.03.4 **Security Deposit Refund** – The District shall refund each security deposit to the residential customer where funds have been on deposit for one year in a customer's account and there has been no delinquent payment on that account during the year; within thirty (30) days after discontinuance of service, following written request for discontinuance of service, so long as the account is not currently delinquent; or when a new property owner makes a deposit for the same property and the account is not currently delinquent. The District shall refund the security deposit for commercial, retail, or industrial connections within thirty (30) days after discontinuance of service following the customer's written request for discontinuance of service, so long as the account is not currently delinquent; or when a new property owner makes a deposit for the same property and the account is not currently delinquent. Upon discontinuance of service, the security deposit shall be applied to reduce any unpaid charges outstanding on the customer's account. No interest shall be paid by the District to the customer.

7105.04 **Payment for Outstanding Balances on a Service Account from a Previous Owner/Tenant** – Water service shall not be instated until all prior balances against the service account are paid in full.

7105.05 **Payment for Previous Service** – An application shall not be honored unless all other accounts with the District have been paid in full by the applicant and there are no delinquent accounts by the applicant. Any application for reinstatement of service shall be accompanied by the security deposit set forth in Sections 7105.03 of this Policy.

7105.06 **Changes in Owner's or Customer's Equipment** – Owners or customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations result in a significant increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.

7105.07 **Size & Location** – The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served.

The laying of owner's pipeline to the curb shall not be done until the location of the service connection has been approved by the District. If applicable, curb and gutter shall be installed before water mains or service is to be installed for all subdivisions.

7105.08 **Curb Valve** – Every service connection installed by the District shall be equipped with a curb valve on the inlet side of the meter. The curb valve is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the owner's expense at an amount set forth by the District's resolution regarding rates and fees.

7105.09 **Residential, Commercial, & Industrial Service Connection** – It shall be unlawful to maintain a connection except in conformity with the following rules:

7105.09.1 **Residential**

7105.09.1.1 **Separate Residence** – Each residence shall be provided with a separate service connection.

7105.09.1.2 **Single Connection** – Not more than one service connection for residential supply shall be installed, except under special conditions.

7105.09.1.3 **Different Owners** – A service connection shall not be used to supply any adjoining property, or property across a street, alley or easement.

7105.09.1.4 **Divided Property** – When property provided with a service connection is divided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

7105.09.1.5 **Multiple Residences** – Multiple residences under one ownership and on the same lot or parcel of land may not be supplied through the same service connection. The District shall require separate meters for each defined residence as deemed necessary (see Section 7103.31).

7105.09.2 **Commercial & Industrial**

7105.09.2.1 **Separate Building** – Each building under separate ownership shall be provided with a separate service connection.

7105.09.2.2 **Single Connection** – Not more than one service connection for a commercial supply shall be installed for one building, except under special conditions.

7105.09.2.3 **Different Owners** – A service connection shall not be used to supply any adjoining property, or property across a street, alley, or easement.

7105.09.2.4 **Divided Property** – When property provided with a service connection is divided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

7105.09.2.5 **Multiple Buildings** – Multiple buildings under one ownership and on the same lot or parcel of land may be supplied through the same service connection provided that the service connection shall be of such size to adequately serve said buildings. The District may require separate meters for each defined residence as deemed necessary (see Section 7103.31).

7105.09.3 **Property of District** – Upon completion of such installation, the facilities shall be dedicated to the District, and upon acceptance of the dedication by the District, shall become property of the District.

7105.10 **Service Connections Maintenance** – The service connection extending from the water main to the customer side meter, including the meter, meter box, and curb valve or wheel valve shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

7105.11 **Water Loss** – The District's jurisdiction and responsibility ends at the meter facility and the District will in no case be liable for or assume any responsibility for damages occasioned by water running from the customer's open or faulty fixtures, or from broken or damaged pipes on the customer's side of the meter facility.

7105.12 **Damages Through Leaking Pipes & Fixtures** – When turning on the water supply as requested to a house or property which is vacant, the District will make a reasonable attempt to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb valve or the private shutoff. The District's jurisdiction and responsibility ends at the property line and the District shall in no case be liable for or assume any responsibility for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

7105.13 **Damage to Meters** – The District reserves the right to set and maintain a meter on

any service connection. The water customer shall be held liable for any damage to the meter due to their negligence or carelessness or other fault.

7105.14 **Customer's Meter Line & Prohibition of Service to Other Premises** – Customer meter installations shall not be allowed if the property is not located within six hundred sixty (660) feet of District's mainline. The customer shall not construct their own service line adjacent to or on the property of others without first obtaining a written and recorded grant of easement. Meter facilities shall not provide opportunity of service to neighboring property or premises.

The prohibition against service to others from a customer's meter line shall apply in any event. Service from a customer's meter line to other properties or premises shall be prohibited and shall be grounds for termination of service.

SECTION 7106. MEASUREMENT & CONTROL OF WATER DELIVERED

7106.01 **Curb Valve for District's Use, Customer's Meter Valve for Customer's Use** – The curb valve is for the exclusive use of the District in controlling the water supply through the customer's meter and it shall not be used by the customer. The customer's meter valve shall be used by the customer to control the water flow to their premises. If the curb valve is damage by the customer's unauthorized use to an extent requiring repair or replacement, such repair or replacement shall be done by the District and the customer shall pay the actual cost thereof plus an administration fee as set forth by separate resolution concerning District rates and fees. If the customer's meter valve is found to be inoperable, it shall be replaced at the customer's cost.

7106.02 **Customer's Right to Meter Accuracy Test** – All meters shall be tested prior to installation and no meter shall be installed which registers more than two percent (2%) more water than actually passes through it. Any customer has the right, upon submission of a request in writing, and payment of the meter test fee, if any, to purpose of determining meter registration accuracy.

7106.03 **Billing Adjustments for Meter Error** – If a meter tested at the request of a customer is found to be over-reading by more than two percent (2%), the percentage error shall be applied to the most recent billing period of record and the excess charges represented thereby shall be credited to the customer on their next regular billing. Conversely, if a meter is found to be under-reading by more than two percent (2%), the undercharge shall be added to the customer's next regular billing. If a meter is found not to be registering, the District reserves the right to apply the minimum billing rate or to estimate the consumption for the most recent billing period, and apply the adjustment indicated to the customer's next billing. Such estimates shall be made from previous consumption for the same customer for a comparable period or by determination of the District-Wide average for equal meter service.

7106.05 **Water Used Without Permit** – A person using water from a meter facility without having made application for and receiving a water service permit under the terms of this Policy shall be held liable for payment for the water delivered from the date of the last recorded billing. If the meter is found to be inoperative or no meter exists, the quantity consumed shall be estimated as described in Section 7106.03.

7106.06 **Damage To Customer's Premises Caused By Customer's Leaking Pipes & Fixtures** – When turning on the water supply as requested by the customer with the premises vacant, the District will try to determine if water is running on the inside of the building(s). If such is found to be the case, the water will be left turned off at the customer's service valve on the customer's side of the meter and a" notification will be left in a prominent location on the customer's premises.

The District's responsibility ends at the meter and the District shall not be liable for damages

caused by water running from open or faulty fixtures, or from broken or damaged pipes on the customer's side of the meter.

7106.07 **Damage to Meter Facility** – The customer shall be required to pay the actual cost of repair or replacement for any damage to the customer's meter facility.

SECTION 7107. REQUIREMENTS FOR INSTALLATION OF NEW OR CHARGED CUSTOMER'S METER FOR REGULAR WATER SERVICE

7107.01 **Applicability of this Section** – The requirements of this Section shall be supplemental to, and in addition to, all of the other Sections of the Rules and Regulations.

7107.01.1 **Application for Customer's Meter & Permit to Receive Service** – Such application shall be on a form provided by the District and shall contain such information as required for the District to ascertain the complete nature of the customer's classification, and applicable charges. The application form may be changed by the District from time to time, as it finds necessary.

7107.02 **Customer's Meter Requirements**

7107.02.1 **District Standards** – Customer's meter facilities shall meet all of the requirements of the District's Standards.

7107.02.2 **Separate Customer Meter Required for Separate Customer Premises** – Separate premises, as defined in Section 7103.31, require separate customer meter facilities.

7107.02.3 **Options, Number & Size of Services** – Customers may choose to have several separate customer meters, even if they may qualify for a single meter, as long as they don't exceed the designed use requirements of the District. At least one meter is required for each residential structure. All applicable charges will apply to each of such separate meters as if they were two separate premises.

Customers may choose a larger customer meter than the District minimum size determination requires, in which case they shall pay all applicable fees attributable to the customer meter size chosen. Meters of greater than one inch (1") in size may be prohibited for rural and low density single family dwelling residential customers if such larger meter is also to be used for purposes coming under the definition of commercial, public, industrial or agricultural water service.

7107.02.4 **Meter Size Requirements** – The District shall, in all cases, retain the right to determine the size of the customer meter pipeline and size and type of meter required for all types of water service of water service. The size of such customer meter shall be based on the District's evaluation of the customer's needs appropriate to the customer's use, as determined from the data presented by the customer in their customer meter application.

The customer service line must be equal to or greater than the size of the meter in all cases.

The meter size shall be based on the following tables showing the range of maximum, minimum, and continuous flow for the applicable type of meter for regular service. The customer's flow requirements must be within the range of minimum and maximum flow for the meter size chosen and the average flow rate during the sixteen (16) hours of highest daily use shall not exceed the continuous flow rate of the meter. Unless the District's evaluation of the customer's needs indicates a special need, the meter will be sized in accordance with the Uniform Plumbing Code. Size requirements for private fire protection customer services are set forth in the District's Rates and Fees Resolution. If it is determined at any time by the District that the use of the meter varies from the original intended use, which was used for determining meter size, and therefore requires a different sized meter, the owner must pay the difference between the sizes at current connection rates and fees.

Regular Water Customer Meter Size Guidelines

Meter Size	Minimum Meter Pipeline Size	Minimum Flow (gpm)	Continuous Flow Rating (gpm)	Maximum Flow Rating (gpm)
¾"	1"	0.25	15	30
1"	1"	0.30	25	50
1 ½"	1 ½"	1.10	45	100
2"	2"	1.00	80	160
3"	3"	2.00	160	320

7107.02.5 **Service Meter Location Requirements** – In subdivisions and mainline extensions involving installation of several or many customer meter facilities for residential purposes, the customer meter installations shall be located, to the maximum extent possible, such that each adjacent lot or parcel has its meter located immediately adjacent to a common boundary line. This location condition is represented in the District's Standards. The meter boxes shall be located within twelve inches (12") of the back of existing or future sidewalks, where the sidewalks join with the back of curb, or approximately twelve inches (12") behind the back of the curb where the existing or future sidewalk is separated from the curb by a parkway. This location pattern is for the purpose of standardizing metering locations, allowing construction of service lines in a common trench where possible, and for efficiency of meter reading.

Where a single new customer meter is to be installed, the above location pattern shall be followed, unless a specific location is requested by the customer to fit in with the piping on their premises. Such special location of the customer meter will be granted by the District unless it presents a problem in installing and/or reading the meter. Unless unavoidable, the customer meter shall not be placed on the customer's private property or behind a wall or fence or other structures or obstructions which limit the District's access to such meter.

Large meter services shall be located immediately behind the curb or immediately behind the sidewalk and/or within the public street right-of-way, unless location on private property is absolutely unavoidable. The location of large meter facilities, with respect to the side lot property lines, shall be as chosen by the customer unless the District determines that such desired location is not the most desirable with respect to construction, operation and maintenance, and meter reading convenience.

7107.02.6 **Components of Customer Meter** – The customer meter shall consist of all of the necessary components as shown by the District's Standards, and as defined in Section 7103. The Customer's meter valve marks the end of the components of the customer meter required by the District. The design construction, operation and maintenance of the customer's on premises system shall be the customer's total responsibility, except that the design, construction and use of same shall meet the requirements of the cross-connection control regulations in Section 7104.23. The District's curb valve is for the District's sole use and the customer's meter valve is for the customer's use in controlling the flow of water to the customer's premises.

In those areas where high pressure may be expected to occur (refer to Section 7104.11 & 7104.21), the District will normally recommend, and at its option may require, the customer to install a pressure reducing device and/or pressure relief device(s) for the purpose of protecting the customer's plumbing and appliances.

7107.02.7 **Cross-Connections** – The District will determine in the process of studying the customer's application for permit whether the customer's use of water service exposes the District's system to a cross-connection. If the District finds that protection against cross-connection is required, it shall be provided in accordance with the requirements of Section 7114.

7107.02.8 **Customer's Meter Line & Prohibition of Service to Other Premises** – Customer meter installations may not be allowed if the applicant's property is not located within six hundred sixty (660) feet of the District's mainline. The customer shall not construct his own meter line adjacent to or on the property of others without first obtaining a written and recorded grant of easement.

The prohibition against service to others from a customer's meter line shall apply in any event. Service from a customer's meter line to other properties or premises shall be prohibited and shall be grounds for termination of service.

SECTION 7108. APPLICATION FOR REGULAR WATER SERVICE WHEN MAIN EXTENSION IS REQUIRED

7108.01 **Main Extension** – General water main extensions may be made within the District as follows:

7108.01.1 **Subdivisions** – See Section 7109.

7108.01.2 **Annexations** – See Section 7110.

7108.01.3 **Other Main Extensions** – The District does not install mainline extensions for the purpose of serving individual properties. Customers needing a mainline extension shall enlist a contractor of their choosing. Such contractor shall be required to meet all District Standards and Specifications. The size, type, and quality of materials and location of the lines, fire hydrants, and valves shall be specified by the District and the actual construction shall be done by a contractor acceptable to the District in accordance with the District’s Master Plan and specifications, and supervised and inspected by the District. Inspection fees shall be established by the Board and deposited with the District prior to construction approval. Nothing herein is intended to make the contractor an employee or agent of the District.

7108.02 **Mainline Extension Policy (MEP)**

7108.02.1 **Statement of Principle & Goal** – Throughout the District, there has been provided the basic water production, storage, and transmission system (basic facilities).

The distribution mainlines with valves, fire hydrants, and other necessary appurtenances lying adjacent to a customer’s property are for the specific, limited benefit of that property and, therefore, are not considered basic facilities for the purpose of the Rules and Regulations.

The District, in the interest of providing maximum equity to all of the individual residential property owners, has established the MEP to assist in distribution system extensions.

7108.03 **Application for Main Extension** – The following rules shall be adhered to when making application for main extensions:

7108.03.1 **Application** – Any owner of one (1) or more lots or parcels of land, or subdividor of a tract of land, desiring the extension of one (1) or more water mains to service such property shall make a written application therefore to the District. Said application shall contain the legal description of the property to be served and tract

number thereof, and any additional information which may be required by the District. Said application shall also be accompanied by a map showing the location of the proposed connections.

7108.03.2 **Investigation** – Upon receipt of the application, the General Manager, or their designee, shall make an investigation and survey of the proposed extension, including the estimated cost thereof.

7108.03.3 **Ruling** – The General Manager, or their designee, thereupon consider said application and report; and, after such consideration, reject or approve it.

7108.03.4 **District Lines** – All extensions thus provided for, in accordance with these regulations, shall be offered for dedication to the District by completing and recording an “Irrevocable Offer of Dedication of Water System” to the District. Upon acceptance of the dedication by the District, shall become and remain the property of the District.

7108.03.5 **Dead-End Lines** – No dead-end lines shall be permitted except at the discretion of the District and, in cases where circulation lines are necessary, shall be designed and installed as part of the cost of the extension. Any dead-end line permitted shall have a device to allow flushing of the system provided by the applicant at his expense.

7108.04 **System Requirements** – At the time of laying out and subdividing or re-subdividing any tract or parcel of land within the District, the owners of said tract or parcel of land shall, at their own expense, provide for such water mains, valves, fire hydrants, services, and appurtenances as may be necessary for the distribution of water to each lot, piece, or parcel of land. The service shall be carried to the lot line and clearly marked on the property. When installed, such mains, valves, fire hydrants, services, and appurtenances shall be offered for dedication to the District and, upon acceptance by the District shall become the property of the District. The owners shall provide to the District detailed as-built plans signed by a registered civil engineer, and an AutoCAD drawing (.DWG format) of the water system.

7108.05 **Specifications** – The size, type, and quality of materials and location of the lines, fire hydrants, and valves shall be specified by the District and the actual construction shall be done by a contractor acceptable to the District in accordance with the District's Master Plan and specifications, and supervised and inspected by the District. Inspection fees shall be established by Board Resolution and deposited with the District prior to construction approval. Nothing herein is intended to make the contractor an employee or agent of the District.

7108.06 **Payment of Cost of Oversized Mains** – In the event the District elects to install mains of greater size than shall be adequate to supply any new subdivision with water and fire protection, as determined by the District, the owner of the proposed subdivision shall not be

required to pay more than the cost of mains which, in the opinion of the District, are adequate to supply such subdivision with water and fire protection, but no other adjustment of the cost of installation shall be made.

7108.07 **Reimbursement Agreements** – When main extensions are introduced by the District and paid for by an applicant and said main extension shall be of benefit to another person or persons in the future, said applicant may enter into a reimbursement agreement with the District. Said reimbursement agreement shall provide for a refund payment for main service charges collected by the District for service connection to a main, paid for by new applicant. Said reimbursement shall be computed on the basis of actual cost to the person making the original main extension per front foot benefitted for which the main service charge is collected. All reimbursement agreements shall become null and void ten (10) years from the date first written.

7108.08 **Property of District** – Upon completion of such installation, the facilities shall be dedicated by completing and recording an “Irrevocable Offer of Dedication of Water System” to the District and become property of the District.

SECTION 7109. SUBDIVISIONS

7109.01 **Application** – A person desiring to provide a water system within a tract of land which they propose to subdivide within the District's boundaries shall make written application therefore.

7109.01.1 **Contents** – The application shall state the number of the tract, the name of the subdivision, and its location. It shall be accompanied by a copy of the tentative map and a deposit for expenses involved in investigation.

7109.01.2 **Investigation** – Upon receiving the application and deposit, the General Manager shall make an investigation and survey of the proposed subdivision including a recommendation as to the facilities required and the estimated cost of the proposed water system thereof.

7109.01.3 **Ruling** – The General Manager, or their designee, shall thereupon consider said application and report; and, after such consideration, reject, or approve it. If approved, applicant will receive conditional will serve letter valid for one (1) year. Applicant can apply for extension to will serve letter. A subdivision greater than five (5) lots shall require approval by the Board.

7109.02 **System Requirements** – At the time of laying out and subdividing or re-subdividing any tract or parcel of land within the District, the owners of said tract or parcel of land shall, at their own expense, provide for such water mains, valves, fire hydrants, services, and appurtenances as may be necessary for the distribution of water to each lot, piece, or parcel of land. The service shall be carried to the lot line and clearly marked on the property. When installed, such mains, valves, fire hydrants, services, and appurtenances shall be offered for dedication to the District, and upon acceptance by the District shall become the property of the District. Detailed plans of the water system shall be signed by a registered civil engineer and AutoCAD drawing (.DWG format) shall be supplied to the District.

7109.03 **Specifications & Construction** – The size, type, and quality of materials and location of the lines, fire hydrants, and valves shall be specified by the District and the actual construction shall be done by a contractor acceptable to the District in accordance with the District's Master Plan and specifications, and supervised and inspected by the District. Inspection fees shall be established by the Board and deposited with the District prior to construction approval. Nothing herein is intended to make the contractor an employee or agent of the District.

7109.04 **Property of District** – All facilities, upon completion and final inspection, shall be offered for dedication to the District, and upon acceptance of dedication, shall become the property of the District.

7109.05 **Water Rights & Improvements** – Whenever land is to be subdivided, any water well, water-bearing land, mains, and easements needed therefore which may be appurtenant thereto or which may be used exclusively thereon shall be deeded to the District in consideration of the District's approving any application for water service to such tract or subdivision. Said deed to the District shall be executed before any such application shall be approved by the District and must comply with state and local regulations.

7109.06 **Payment of Facility/Capacity Charges** – All fees for Facility/Capacity Charges shall be paid at the time meter installation is required.

SECTION 7110. ANNEXATIONS

7110.01 **Application** – A person desiring to annex land to the District shall make written application accompanied by maps showing location and area of the land with legal description.

7110.02 **Terms of Annexation** – Terms and fees shall be determined by the Board, but in all cases, transfers of water rights, wells, and springs shall be made to the District.

7110.03 **Annexations of Developed Land** – Owner or owners of land requesting annexation to the District, where said land is developed, shall, at their own expense, provide for such water mains, valves, fire hydrants, services, and appurtenances as may be necessary for the distribution of water to each lot, piece, or parcel of land as a condition of annexation. The service shall be carried to the lot line and clearly marked on the property. When installed, such water improvements shall become and be the property of the District. Any existing water system or portion thereof in the annexed section shall first be brought to the design standards of the District at the expense of the owner or owners of property desiring annexation. Extension of water mains to uninhabited or underdeveloped land proposed to be annexed to the District shall be made in compliance with the main extension and/or subdivision policies for subdivisions as herein set forth in Sections 7108 and 7109.

SECTION 7111. TEMPORARY SERVICE

7111.01 **Supply from Fire Hydrant** – An applicant for temporary use of water from a fire hydrant shall secure a permit therefore from the District and pay the hydrant meter deposit before temporary service can begin. The applicant shall also pay for the water used in accordance with the meter readings, at the rates prescribed by the Board.

7111.02 **Unauthorized Use of Hydrants** – Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is and subject to a penalty charge for each occurrence as may be set by the Board.

7111.03 **Meter Availability** – The applicant shall make the hydrant meter available as prescribed by the District for reading and/or inspection.

7111.04 **Pools & Tanks** – No special permission or contact with the District will be required to fill swimming pools and tanks by regular District customers, provided the customer does not exceed the flow limit of their meter as set forth in Section 7107. However, when a customer requires an abnormally large quantity of water for filling a swimming pool or for other purposes, or a regular customer may exceed the flow limit of their meter, a temporary service may be established. Arrangements shall be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other customers are not inconvenienced thereby.

7111.05 **Responsibility for Equipment** – The customer shall, at their own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, fault, or other wrongful act of the customer or of any of their tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. The District shall not be responsible for damage to property, including but expressly not limited to any damage caused by faucets, valves and other equipment, which are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

7111.06 **Application & Permit** – An application shall be made on a form provided by the District and a permit must be granted before temporary service can begin.

7111.07 **Location & Use of Temporary Service** – Temporary service will normally be for construction or similar temporary purposes and the service will usually be taken from a fire hydrant but may be an existing or new customer meter under Sections 7113.08 and 7107.02. Such temporary service shall be subject to all of the terms of the Rules and Regulations.

7111.08 **Charge for Temporary Service** – A deposit and rental fee shall be required and minimum and quantity rate user fees shall be paid by the customer in accordance with the current schedule set forth in the District’s Rates and Fees Resolution.

7111.09 **Installation & Operation** – All facilities for temporary service shall be installed by the District at the customer’s cost. If such installation costs are present, they shall be set forth in the District’s Rates and Fees Resolution. If such installation costs are not set forth in the District’s Rates and Fees Resolution, they shall be determined by the District. Cost shall include a reasonable allowance for processing and administration.

The cost of any cross-connection control devices and their installation, under Section 7114, shall be borne by the customer and, at the District’s option, the customer shall arrange and pay for the installation of same.

7111.10 **Duration of Service** – The duration of temporary service shall be stated on the permit for service. Temporary customer meter facilities shall be disconnected and terminated within the stated duration or six (6) months after installation unless the customer applies for, and the District grants, an extension.

7111.11 **Notice of Service Termination** – The Customer shall give a forty-eight (48) hour notice, in writing, to the District when the customer is no longer in need of the temporary customer meter facility. All charges due shall be paid by the customer at the time of giving such notice.

SECTION 7112. FIRE PROTECTION

7112.01 **Public Fire Protection** – The following pertains to the use of District facilities for public fire protection:

7112.01.1 **Use of Fire Hydrants** – Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose shall first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the District. Unauthorized use of hydrants in violation of any provision of this Section shall be penalized and/or prosecuted according to law. No provision herein shall preclude the District from taking any other legal actions to restrain any violation of this Section.

7112.01.2 **Moving of Fire Hydrants** – When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, they shall bear all costs of such charges, without refund. Any change in the location of fire hydrant shall be approved by the District and any other proper authority.

7112.02 **Private Fire Protection Service** – The following pertains to the use of District facilities for private fire protection systems:

7112.02.1 **Payment of Cost** – The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the service location, including the cost of a detector check meter or other suitable and equivalent device, valve and meter box; said installation to become the property of the District.

7112.02.2 **No Connection to Other System** – There shall be no connection between this fire protection system and any other water distribution system on the premises.

7112.02.3 **Use** – There shall be no water used through the fire protection service except to extinguish fires and for testing the firefighting equipment.

7112.02.4 **Charges for Water Used** – Any consumption recorded on the meter will be charged as provided in District resolution concerning fees and charges except that no charge will be made for water used to extinguish fires where such fires have been reported to the fire department.

7112.02.5 **Monthly Rates** – The monthly rates for private fire protection shall be established from time to time by resolution of the Board of Directors.

7112.02.6 **Water for Fire Storage Tanks** – Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available.

7112.02.7 **Violation of Agreement** – If water is used from a private fire service in violation of the agreement or this Policy, the District may, at its option, discontinue and remove the service.

7112.02.8 **Meter** – If the District does not require a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, the District shall have the right to place a meter on the fire service connection at the owner's expense, or disconnect the entire water supply from such premises, in addition to any and all other civil and criminal remedies available by law.

7112.02.9 **Additional Service** – The District shall have the right to take a domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The Board shall also have the right to determine the proportion of the installation costs properly chargeable to each service connection, if such segregation of costs shall become necessary.

7112.02.10 **Backflow Prevention Device/Facility** – Shall be installed on all fire service connections of a type approved by the National Board of Fire Underwriters, which shall be equipped with a by-pass meter at the expense of the owner of the property.

7112.02.11 **Water Pressure & Supply** – The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such qualities and pressures as are available in its general distribution system. The service is subject to shut-downs and variations required by the operation of the system.

SECTION 7113. PUBLIC FIRE PROTECTION

7113.01 **District's Fire Protection Goals** – The District will provide fire protection within the limitations of its water system and will attempt to provide adequate fire protection capacity in all future water system facilities in accordance with the District's Standards. Such Standards shall be mandatory, except where the modification of same may be provided for elsewhere in these Rules and Regulation or other District ordinances or resolutions.

7113.02 **Use & Control of Fire Hydrants** – Fire hydrants shall be controlled by the District and may be used only by District personnel, the fire department, or persons with written authorization from the District.

7113.03 **Location & Size of Fire Hydrants** – See Section 7108 and District Standards.

7113.04 **Obstructions Prohibited** – All fire hydrants shall be located within the public right-of-way and property owners shall not obstruct the access to such fire hydrants with fences or any other structures or vegetation of any kind.

7113.05 **Fire Hydrant Installation Costs** – Costs of installation of fire hydrants shall normally be a part of any water system facility extension carried out in accordance with the terms of Section 7108. Fire hydrants installed on an existing mainline, at the request of the customer, shall be by the District at the customer's expense. Cost shall also include an appropriate amount for processing and administration.

7113.06 **Fire Protection Fees** – The District may establish bimonthly, quarterly or annual fees for the availability of water for fire protection, water used for fire hydrant testing and water used for fire protection, which fees shall be due and payable from the fire protection agency having jurisdiction within the boundaries of the District. Such fire protection fees shall be set forth in the District's Rates and Fees Resolution.

7113.07 **Relocation of Hydrants** – Hydrants relocated for the convenience of the District shall be at the cost of the District. Hydrants relocated for the convenience of the customer shall be at the cost of the customer. Such cost shall include a reasonable charge for processing and administration. All fire hydrant relocations shall be done by the District or by a contractor chosen by the District. The fire department shall be consulted prior to any fire hydrant relocation.

7113.08 **Use of Hydrant for Temporary Service** – Hydrants may be used for temporary service under limited and controlled conditions under Section 7111.07. Under no circumstances shall such temporary service take precedence over the vital function of fire protection and the District or the Fire Department shall have the right to remove or relocate any such temporary servicers wherever and whenever necessary without prior notification.

SECTION 7114. CROSS-CONNECTION CONTROL

7114.01 **Cross-Connections** – The purpose of this Section is to protect the public potable water supply system of the Phelan Piñon Hills Community Services District by establishing a Cross-Connection Control Program to effect the control of cross-connections, actual or potential, thereby isolating within the customer's private water system or internal piping, contaminants or pollutants which could backflow or back siphon into the District's water supply system.

The regulations relating to cross-connections as established in the California Administrative Code, Title 17, and as amended from time to time, insofar as these regulations are applicable to the protection of water supply of this District are hereby adopted, incorporated herein by reference and made a part hereof.

7114.02 **Authority & Purpose** – Regulations relating to cross-connections are set forth in the California Administrative Code, Title 17, Chapter 5, Sections 7583-7622 inclusive. Said regulations and this Policy have the following purposes: (1) To protect the public water supply against actual or potential cross-connections by isolating within the premises any contamination or pollution that may occur because of some undiscovered or unauthorized cross-connection on the premises; (2) To eliminate existing connections between the District's potable water system and other sources of water that are not, or may be potentially non-potable; (3) To eliminate cross-connections between the District's potable water system and other sources of water or process water used for any purpose whatsoever which may jeopardize the safety of the District's potable water; (4) To search out and eliminate, in accordance with the terms of the Rules and Regulations, existing cross-connections and to prevent cross-connections in the future; (5) To encourage the exclusive use of the District's potable water supply for purposes of human consumption; (6) To protect the drinking water supply within the premises where plumbing defects or cross-connections may endanger same.

7114.03 **Implementation & Control** – The District shall be responsible for implementation of the provisions of these Rules and Regulations and the State Regulations in cooperation with the State of California Department of Health. The District will designate a properly trained and certified member of its staff to be responsible for implementation and control. Such person shall be supported and supplemented by such other District staff as the Facility Manager considers necessary. Appeals of implementation and control decisions shall be first submitted to the State Health Department for a health ruling and then to the District pursuant to Section 7102.12.

7114.04 **Guidance Manual** – The "Guidance Manual For Cross-Connection Control Programs" published by the State of California, Department of Health Services, latest edition, shall be used as a technical supplement to these Rules and Regulations, as the District's staff finds necessary.

7114.05 **Determination of Cross-Connection** – Upon the determination by the District that a

backflow prevention device is required in the customer's private piping system for the safety of the public water supply system, the customer shall immediately install such a device in the manner and location prescribed by the District at their own expense.

7114.06 **Failure to Install Prescribed Device** – Failure to install said device as prescribed shall constitute grounds for discontinuance of water service to the premises. No water service shall be installed or maintained by the District to any premises on which there exists or there is suspected to exist cross-connection between the public water supply and other piping, fixtures, appliances, equipment, drains or any system which might cause contamination or pollution through backflow or back-siphonage, unless such service is protected by the installation of a backflow prevention device acceptable to the District.

7114.07 **Installation, Inspection, Testing & Maintenance** – All backflow prevention devices shall be inspected and tested at least annually for proper operation. Inspection and testing shall be performed by a certified backflow tester, as approved by the County of San Bernardino, certified to test and repair backflow prevention devices. The results of each test, including repairs, shall be reported on a form provided or approved by the District.

7114.07.1 **Repair of Defective Devices** – In the event that the device is found to be defective, the customer shall cause the necessary repairs and/or replacement to be made at their expense. The owner shall have an acceptance test performed after repairs and/or replacements have been made to confirm proper operation of the device. All annual inspections, testing, acceptance tests after installation, repair and/or replacement shall be at the expense of the owner.

7114.07.2 **No Service Unless Properly Protected** – A water service connection to any premise shall not be installed or maintained unless the public water supply system is protected in accordance with the laws of the State of California and this Policy. If a backflow prevention device has not been installed, tested and maintained in accordance with the provisions of this Policy, or if a backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premise, water service shall be discontinued and not restored until such conditions or defects have been corrected.

7114.07.3 **Installation Required** – Upon the determination by the District that a backflow prevention device is required on a customer's water service line, it shall be installed immediately behind the meter and before the first branch line leading off the service line.

7114.08 **Cross-Connection Control Criteria** – Criteria examined to determine whether a backflow prevention device is required shall include, but not be limited to, the following:

7114.08.1 **Auxiliary Water Supply** – A premise being or to be served with water by the

District having an auxiliary water supply of a quality which is not acceptable to the District as an additional source.

7114.08.2 **Industrial Hazards** – A premise on which industrial fluids or other objectionable substances are being handled in a manner as to create an actual or potential hazard to the public water supply.

7114.08.3 **Inspection Not Possible** – A premise whose internal piping system has cross-connections that cannot be corrected or controlled, or the system is not accessible for inspection to make a determination of the existence of a cross-connection.

7114.09 **Degree of Hazard** – The type of backflow prevention device required shall be based upon the degree of hazard existing upon the customer's premise. The degree of hazards are considered to be those defined as follows:

7114.09.1 **Severe** – A cross-connection, actual or potential, involving a fluid, chemical or substance capable of causing death or the spreading of disease or illness. These premises shall be isolated from the public water supply system by an approved Air Gap.

7114.09.2 **Moderate** – A cross-connection, actual or potential within a customer's piping system handling potable water which has a high probability of becoming contaminated with any substance. Under these conditions the public water supply system shall be protected by an approved Reduced Pressure Principle Device.

7114.09.3 **Minor** – A cross-connection, actual or potential within a customer's piping system which has a low probability of becoming contaminated with a substance which would be aesthetically objectionable if introduced into the public water supply system shall be protected by an approved Double Check Valve assembly.

7114.10 **Typical Facilities**

Air Conditioning (Chemical Pots)	Reduced Pressure Device
Bottling Company	Reduced Pressure Device
Cleaners	Reduced Pressure Device
Convalescent Homes	Reduced Pressure Device
Cooling Towers	Reduced Pressure Device
Hospitals	Reduced Pressure Device
Mobile Home Parks	Double Check Valve Device
Mobile Home Parks (Sewer Line & Clean out Conditions)	Reduced Pressure Device
Mortuaries	Reduced Pressure Device
Multi-storied Building (over 50' high)	Double Check Valve Device

Plating Plants	Reduced Pressure Device
Sewage Lift Stations	Reduced Pressure Device
Sewage Plants	Air Gap
Sprinkling Systems (Chemical entrained, Dead End System)	Reduced Pressure Device
Steam Facilities	Reduced Pressure Device
Tanks and Pools	Air Gap

7114.11 **Approved Devices** – The District shall maintain and make available a list of approved backflow prevention devices which may be installed for the protection of the public water supply system.

7114.12 **Enforcement** – Service of water to any premise shall be discontinued by the District if a backflow prevention device required by the rules and regulations of the District is not installed, tested and maintained or if defects are found in the installed backflow prevention device or if it is found that a backflow prevention device has been removed or bypassed or if unprotected cross-connections exist on the premises. Service will not be restored until such condition or defects are corrected. The District representative assigned to inspect premises relative to possible cross-connection hazards, shall carry proper credential of their office, upon exhibition of which, they shall have the right of entry during usual business hours to inspect any and all buildings and premises in the performance of their duty. This right of entry shall be a condition of water service in order to provide assurance that the continuation of service to the premises will not constitute a menace to health, safety and welfare to the people throughout the District's water system.

SECTION 7115. CUSTOMER BILLING PROCEDURES

7115.01 **Establish Rates & Charges** – The Board of Directors shall from time to time, by Resolution, establish rates, fees and charges for water and other service provided by the District.

The District reserves the right to establish separate minimum fees and quantity rate schedules for each different major classification of water use; i.e., residential, commercial, public, industrial, and agricultural. The District may establish such differential minimum fees and quantity rate schedules for the purpose of equitably spreading the cost of service to each in accordance with the degree of system load and reliability requirements of each and also as may be deemed necessary for the purpose of encouraging conservation of water. A complete current schedule, with full definition of applicability, of the minimum fees and quantity use rate charges shall be included in the District's Rates and Fees Resolution.

7115.02 **Charges** – Water charges shall begin when a water service connection is installed, and shall continue until the water service connection is removed.

7115.03 **Liability for Water Used** – The property owner shall be held liable for water service until the District is notified in writing to remove the water service connection or to transfer the account to another property owner.

7115.04 **Liens for Unpaid Bills** – All unpaid bills shall be made a lien against the property pursuant to these rules, regulations and California Government Code Sections 61115(b)-(c), or as otherwise authorized by law.

7115.05 **Bills Against Property** – All bills for the use of water or water service shall be deemed to be indebtedness against the property and, at the option of the District, legal action may be taken, making unpaid water bills a lien against the property.

7115.06 **Owner Liability** – The property owner shall be responsible for all charges owed to the District whether or not the property owner actually lives on the premises, or signs the application for water service form.

7115.07 **Owner/Tenant Relationship** – Where the owner leases their premises to a tenant and wishes to have the tenant billed for water sold or the minimum meter charge, or both, a standard form shall be provided by the District which shall be signed by both the tenant and the owner. Said agreement does not relieve the Owner of responsibility for unpaid bills on the property.

If customer has sold, transferred or otherwise conveyed the property to another party, District will bill customer to the date of transfer of title. The District will then start service for the new owner

without any interruption in service.

7115.08 **Billing Period** – The regular billing period will be monthly or as otherwise established by the District.

7115.09 **Failure To Receive Billing** – Failure to receive a billing, for any reason, does not relieve the customer of liability for payment of the applicable charges billed. Service may be discontinued if payment is not made within sixty (60) days of the due date of the original billing.

7115.10 **Meter Reading** – Meters will be read as nearly as possible on the same day of each month.

7115.11 **Billing of Separate Meters Not Combined** – Separate bills shall be rendered for each meter installation.

7115.12 **Opening & Closing Bills** – Opening and closing bills for less than the normal billing period shall be pro-rated. Closing bills may be estimated by the District for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

7115.13 **Payment of Bills** – Bills for metered water service shall be rendered at the end of each billing period and are due and payable upon presentation. If full payment is not received at the business office of the District on or before the fifteenth (15th) day after date of billing, the bill shall become past due and delinquent.

7115.14 **Notice of Delinquent Status** – See Section 7117.01.6 of this Policy.

7115.15 **Suit** – All unpaid rates, fees, charges and penalties herein provided may be collected by suit.

7115.16 **Costs** – Defendant shall pay all costs of suit in any judgment rendered in favor of District, including reasonable attorney's fees.

7115.17 **Upon Vacating Premises** – Customers vacating the premises should so notify the District in writing two (2) days prior to vacating the premises.

7115.18 **Change in Meter Size at Customer's or District's Initiative** – If the customer requests a change in meter size, either an increase or decrease, the District shall examine the customer's meter size criteria as set forth in Section 7107.02.

The District also reserves the right to examine, in detail, the water use activities of any customer at any time. Such customer shall provide any water use information requested by the District within

a reasonable period of time.

If the District determines that a customer's water use exceeds the flow design of the meter, the District shall remove the existing meter and replace it with one of the proper size, or a second meter may be installed sized according to historical usage. The customer shall pay the incremental difference of cost for all fees which apply to meter size or second meter installation. The incremental differences shall be calculated as the difference between the current schedules of fees applicable to the old meter size.

SECTION 7116. COMPLAINTS & DISPUTED BILLS

7116.01 **Right to Meet** – Should a customer have a complaint with regard to the application of any provision of this Policy, any resolution implementing this Policy, or any complaint or dispute with regard to water service, or the accuracy of a bill for water service or other charges, the customer has the right to meet with the General Manager or their designee to discuss the dispute and present any evidence the customer has to support their position. In the case of disputes over bills, the customer shall be required to submit their complaint, request for a meeting or request for initiation of an investigation in writing not later than five (5) days of their receipt of the disputed bill or not later than thirteen (13) days of mailing of the past due bill.

7116.02 **Arrangement of Meeting** – To arrange such a meeting the customer shall contact the District office, either in writing or by telephone during normal business hours as may be set by the Board.

7116.03 **Presentation of Evidence** – The customer may be accompanied by a friend, attorney, or other representative to meet with the General Manager or their designee and may present any evidence they may have to support their position.

7116.04 **Unresolved Disputes** – If the customer is unable to resolve their dispute with the General Manager or their designee, the customer may submit the complaint in writing, along with a full and detailed explanation to the Board for resolution, in accordance with Section 7102.12 of this Policy.

7116.05 **Appearance Before the Board of Directors** – Upon submittal of a timely appeal, the customer may appear before the Board at a regularly scheduled Board meeting by notifying the District Secretary not less than seven (7) days prior to the Board meeting in writing of the date they wish to attend and the subject matter of the dispute. The customer may then present the complaint and any evidence in support of their position and ask for a decision by the Board.

7116.06 **Delays on Action** – The General Manager will act promptly to resolve the dispute, but may delay a resolution of the dispute to a subsequent regular board meeting in order to investigate the dispute or receive special reports related to the dispute.

7116.07 **Further Delays** – Any further delays shall be freely and willingly agreed to by the customer.

7116.08 **Decision of the Board** – The decision of the Board of Directors shall be final. Should the Board not render a decision within sixty (60) days of receipt of the appeal to the Board, this failure to act shall be deemed a denial of the requested action, unless the District has informed the complainant in writing of its intention to extend the resolution period.

7116.09 **Meter Test Deposit** – Should a customer desire to have the water meter serving their premises tested, they shall first deposit an amount, as specified in District Resolutions, for testing of meters up to one inch (1") in size, and may be present when the meter is tested in the meter shop of the District or other test facilities. Should the meter register more than one percent (1%) fast, the deposit will be refunded, but should the meter register less than one percent (1%) fast, the deposit will be retained by the District.

7116.10 **Adjustment for Fast Meter Errors** – If a meter tested at the request of a customer is found to be more than one percent (1%) fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six (6) months, whichever shall be the lesser, shall be refunded to the customer.

7116.11 **Adjustment for Slow Meter Errors** – If a meter tested at the request of a customer is found to be more than ten percent (10%) slow, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six (6) months, that the meter was in use.

7116.12 **Non-Registering Meters** – If a meter is found to be not registering, the charges for service shall be based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the District and its decision shall be final.

7116.13 **District's Right to Meter Accuracy Tests** – The District may from time to time, or as a matter of set policy, institute a periodic meter testing program. The District reserves the right to test any customer's meter at any reasonable time without notification.

SECTION 7117. DISCONNECTION/DISCONTINUATION OF SERVICE

7117.01 **Disconnection of Water Service for Nonpayment** – Water service shall be discontinued if payment for water service is not made within sixty (60) calendar days of the date the bill becomes delinquent. At least forty-eight (48) hours prior to termination, the District will make a reasonable good faith attempt to notify the resident of the affected property by telephone or in person. At no time shall the District initiate the discontinuance of water service at a time when the District offices are closed, or on a Saturday, Sunday or legal holiday (Government Code Section 60374). The Written Policy for Discontinuance of Water Service for Nonpayment is as follows:

7117.01.1 **Written Policy** – Section 7117.01 of this Policy shall serve as the District’s Written Policy for the Discontinuance of Water Service for Nonpayment (HSC 116906(a)).

7117.01.2 **Translations** – Translations of the District’s Written Policy for the Discontinuance of Water Service for Nonpayment and all written notices shall be available in English and in the languages listed in Section 1632 of the Civil Code at the District offices, on the District website, and shall be made available with notices as required (HSC 116922).

7117.01.3 **Disconnection for Nonpayment** – The District shall not disconnect/shut-off/discontinue water service for nonpayment until the account has been delinquent for at least sixty (60) days (HSC 116908 (a) (1) (A)).

7117.01.4 **Customer Contact** – If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the District shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place, a notice of imminent discontinuation of service for nonpayment along with a copy of the District’s Policy for Disconnection/Discontinuance of Water Service for Nonpayment (HSC 116908 (a) (2)).

7117.01.5 **Reconnection of Service** – Customers whose water service has been disconnected may contact the District by telephone or in person regarding reconnection of water service. Restoration of water service will be subject to payment of all delinquent charges on the account plus any additional fees or charges resulting from the disconnection and reconnection process, plus any deposits that may be required by the District (HSC 116912).

7117.01.6 **Notices**

7117.01.6.1 **Notice of Delinquency Pursuant to Government Code Section 60373**
(a) The District may not terminate residential service on account of nonpayment of a delinquent account unless the District first gives

notice of the delinquency and impending termination, at least ten (10) days prior to the proposed termination, by of a notice mailed, postage prepaid, to the customer to whom the service is billed not earlier than nineteen (19) days from the date of mailing the District's bill for services, and the ten (10) day period shall not commence until five (5) days after the mailing of the notice (Government Code Section 60373 (a)).

(b) The District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight (48) hours prior to any termination of service except that whenever telephone or personal contact cannot be accomplished, the District shall give, by mail or by posting in a conspicuous location at the premises, a notice of termination of service, at least forty-eight (48) hours prior to termination (Government Code Section 60373 (b)).

(c) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information in a clear and legible format (Government Code Section 60373 (c)):

(1) The name and address of the customer whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment is required in order to avoid termination.

(4) A description of the process to apply for an extension of time to pay delinquent charges.

(5) A description of the procedure to petition for bill review and appeal.

(6) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges.

(7) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment

schedule, including an amortization of the unpaid charges, consistent with the written policies set forth in Section 7117.01 hereof.

(8) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

(9) The telephone number of a representative of the District who can provide additional information or institute arrangement for payment.

(d) If a residential customer fails to comply with an amortization, the District shall not terminate service without giving notice to the customer at least forty-eight (48) hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the District (Government Code Section 60373 (d)).

(e) No termination of service may be effected without compliance with this Section 7117.01.6.1, and any service wrongfully terminated shall be restored without charge for the restoration of service (Government Code Section 60373 (e)).

7117.01.6.2 **Notice of Impending Discontinuance of Water Service Pursuant to HSC 116916**

(a) Notification of impending discontinuation of water service shall be by telephone. No less than seven (7) business days before disconnection of water service for nonpayment, the District shall contact the customer named on the account by telephone of any delinquency and impending disconnection of water service. Additionally, the District shall offer to provide, in writing to the customer, the policy on discontinuation of service for nonpayment. The District shall also offer to discuss options to avert discontinuation of service for nonpayment including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal (HSC 116908 (a) (1) (A) and (B)).

(b) All written notices that are provided pursuant to HSC 116916

shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by ten percent (10%) or more of the customers in the District's service area.

7117.01.7 **Landlord/Tenant Relationship** – The section applies to the relationship between occupants and the owner, manager, or operation of a dwelling (HSC 116916 (a) & Government Code Section 60371).

7117.01.7.1 **Notice** – For water service provided to individually metered service to a single family dwelling or to a master meter or detached single family dwelling, a multi-unit residential structure, mobile home park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the District shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least ten (10) days prior to the termination (HSC 116916 (b) & Government Code Section 60371).

7117.01.7.2 **Occupants Right to Become Customer** – The District shall inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account (HSC 116916 (b) & Government Code Section 60371).

7117.01.7.3 **Terms** – The District is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the Districts rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, or if there is a physical means legally available to the District of selectively terminating service to those residential occupants who have not met the requirements of the Districts rules and tariffs, the District shall make service available to those residential occupants who have met those requirements (HSC 116916 (c) & Government Code Section 60371 (b)).

7117.01.7.4 **Proof of Legal Tenancy** – As one of the terms and conditions of service, in addition to the other conditions in the District's Rules and Regulations, a tenant shall be required to provide proof of legal occupancy, such as a rental agreement, lease agreement, cancelled checks to the owner of record, and/or notarized document by the owner of record of the property, in order to be considered an acceptable applicant for water service (HSC 116916).

7117.01.8 Customer Assistance

7117.01.8.1 Customer Complaint

(a) Any customer may initiate a complaint or request an investigation into the charges on their water bill (Section 7116 of this Policy).

(b) Any customer who has initiated a complaint or requested an investigation within five (5) days of receipt of the disputed bill, or who has, within thirteen (13) days of mailing the notice of pending disconnection, made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period of payment, shall be given an opportunity for review of the complaint, investigation, or request by the acting review manager of the District.

(c) The review shall include consideration of whether the customer shall be permitted to amortize the payment of all charges needed for the restoration of the water service over a period of time not to exceed twelve (12) months.

(d) The District shall not discontinue water service during the pendency of an investigation by the District of a customer dispute or complaint.

7117.01.8.2 Appeal

(a) Any customer whose complaint or request for an investigation pursuant to a customer complaint has resulted in an adverse determination by the General Manager or their designee may appeal the determination to the Board (Section 7102.12 and 7116.04 of this Policy).

(b) The customer must file a written notice of appeal with the District Secretary not less than seven (7) days prior the Board meeting in writing of the date they wish to attend and the subject matter of the dispute. The customer may then present the complaint and any evidence in support of their position and ask for a decision by the Board.

(c) Determination of the Board is final; any subsequent dispute or complaint of the same disputed bill to the Board is not subject to appeal.

7117.01.8.3 Alternative Payment Options (HSC 116906(a)(1)-(2))

(a) Deferred payments (extension of up to two weeks) are available to customers two times each year. Applicable penalties will apply during the extension period.

(b) Reduced payments of a one-time disconnection fee waiver and a one-time

penalty waiver are available to customers upon request. These waivers are available one-time over the life of the account.

(c) Alternative payment schedules may be offered to customers upon approval of the General Manager or their designee.

(d) **Amortization Agreement** – any customer meeting the requirements of Section 7117.01.10 of this Policy shall, upon customer request, be permitted to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to beyond the means of the customer to pay within the normal period of payment.

(1) Upon receipt of evidence submitted by the customer that they meet the requirements of Section 7117.02.09 of this Policy, the District will, within seven (7) business days, notify the customer of the amortization terms, and request the customer's signed assent to participate in the amortization, request additional information, or notify the Customer that they do not meet the qualifications of an amortization agreement.

(2) The District may disconnect water service if a customer that has been granted an amortization agreement under this section fails to comply with and pay any amortization amount due under the terms and schedule of the amortization agreement and keep the account current as charges accrue in each subsequent billing period.

(3) The District will contact the customer by telephone with a final notice of intent to disconnect service no sooner than seven (7) business days prior to disconnection of water service. The final notice will not entitle the customer to any investigation or review by the District.

7117.01.9 **Exemptions to Disconnection of Water Service for Nonpayment**

7117.01.9.1 – The District shall not disconnect water service for nonpayment if ALL of the following conditions are met (HSC 116910):

(a) The customer, or a tenant of the customer, submits to the District the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.

(b) The customer demonstrates that they are financially unable to pay for residential service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the District's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

(c) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided in Section 7117.01 of this Policy, with respect to all delinquent charges.

7117.01.9.2

(1) If the conditions listed in Section 7117.02.9.1 are met, the District shall offer the customer one or more of the following options:

(a) Amortization of the unpaid balance.

(b) Participation in an alternative payment schedule.

(c) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.

(d) Temporary deferral of payment.

(2) The District may choose which of the payment options described in paragraph (1) the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within twelve (12) months. The District may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

(3) Residential service may be discontinued no sooner than five (5) business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

(a) The customer fails to comply with an amortization agreement, an

alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for sixty (60) days or more.

(b) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for sixty (60) days or more.

7117.01.10 Low Income Provisions

7117.01.10.1 – For a residential customer who demonstrates to the District an urban and community water system household income below two hundred percent (200%) of the federal poverty line, the urban and community water system shall do both of the following:

(a) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(b) Waive any interest charges levied by the District on delinquent bills once every twelve (12) months.

7117.01.10.2 – The District shall deem a residential customer to have a household income below two hundred percent (200%) of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than two-hundred (200%) percent of the federal poverty level.

7117.01.11 Other Remedies – In addition to disconnection of water service, the District may pursue any other remedies available by law or equity for nonpayment of water service charges, including but not limited to:

(a) **Liens** – Securing delinquent amounts by filing liens on real property

(b) **Claim** – Filing a claim or legal action.

(c) **Collections** – Referring the unpaid amount to collections. In the event a legal action is decided in favor of the District, the District will be entitled to payment of all costs and expenses, including attorneys' fees.

7117.01.12 **Security Deposit** – Upon disconnection for nonpayment of water service, any security deposit shall be surrendered to the District up to the amount owed to the District. The requirement to deposit a security deposit shall be based solely upon the credit worthiness of the applicant as determined by the General Manager or their designee.

7117.01.13 **Termination of Assignment** – Assignee of a customer account whose water service has been disconnected for nonpayment shall no longer be deemed eligible for assignment of the account; assignment of the customer account will be terminated and the customer account shall revert to the owner.

7117.01.14 **Disconnection & Reconnection Service Charges**

(a) **Disconnection Charge** - A disconnection charge shall be charged to the customer account when the water service is disconnected. Water service will not be disconnected when District offices are not open to the public.

(b) **Reconnection Charge** - A reconnection charge shall be charged to the customer account to re-establish service after it has been disconnected for nonpayment. The charge shall be up to triple the rate for reconnection after normal business hours. These fees shall be in compliance with Section 7117.01.10.1(a) of this Policy, and shall be subject to the annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

7117.01.15 **Posting Requirements** – The policy set forth in Section 7117.01 of this Policy shall be available on the District's website and in the District office.

7117.01.16 **Reporting Requirements** – The District shall report the number of annual discontinuations of residential service for inability to pay on the District's Internet Web site and to the board. The Board shall post on its Internet Web site the information reported.

7117.01.17 **Duplication & Inconsistency** – Where provisions of existing law are duplicative of Section 7117.01 of this Policy, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of Section 7117.01 shall apply. Nothing in this section shall be construed to limit or restrict

the procedural safeguards against the disconnection of residential water service existing as of December 31, 2018.

7117.01.18 **Unauthorized Actions & Termination of Service** – Section 7117.01 of this Policy does not apply to the termination of a service connection by the District due to an unauthorized action of a customer.

7117.02 **Locked Meters** – All meters which are locked by the District shall not be altered or unlocked except by an authorized employee or agent of the District.

7117.03 **Turn-Off & Turn-On Service** – The District reserves the right to set a reasonable fee for turning off and turning on service at the customer’s request. In the case of an emergency on the customer’s side of the meter, the customer shall shut off their water service by use of the customer’s meter valve. If there is no customer’s meter valve, or it is inoperative, the District will provide emergency turn-off service upon request, and without charge.

The District further reserves the right to levy a surcharge, over and above the normal turn-on and turn-off fee, whenever a customer requests and the District provides such service during the same day the request was made. This surcharge shall be based on the actual cost of labor and materials.

Current fees for turn-on and turn-off service, if any, shall be set forth in the District’s Rates and Fees Resolution.

7117.04 **Voluntary Temporary Turn-Off** – If a customer is going to be absent from their premises for an extended period and wishes to have their meter turned off, he may do so by submitting a written request and upon payment of the regular turn-off/turn-on fee, as set forth in the District’s Rates and Fees Resolution.

Customer’s meter voluntarily turned off will be turned on in accordance with the terms of Section 7117.03. Customers requesting a voluntary temporary turn-off are reminded to check with their insurance company to insure the effectiveness of their fire insurance if the water is turned off.

7117.05 **Other Conditions Under Which the District May Turn-Off or Refuse to Turn-On Customer’s Meter** – Customer meter may be turned off or the District may refuse to turn it on for the following reasons:

7117.05.1 Where apparatus or appliances are in use which might endanger the public health or disrupt service to other customers.

7117.05.2 Where there exists a cross-connection in violation of the Rules and Regulations or any applicable law.

7117.05.3 Where a violation of the District's Water Conservation Ordinance and/or Resolution occurs.

7117.05.4 As a means of obtaining compliance with the District's Ordinances, Resolutions, Rules and Regulations.

7117.06 **Complaint Procedures for Disconnection** – Service disconnection for nonpayment of bills shall be subject to the complaint procedures specified in Section 7117 therein, unless otherwise governed by the applicable complaint procedures set forth in the District's Water Conservation Ordinance and/or Resolution.

7117.07 **Refusal or Neglect to Pay Debt** – Any amount due is a debt to the District, and any person, firm or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action to recover any amounts due and/or to obtain any other relief authorized by law, from a court of competent jurisdiction.

7117.08 **Lien Against Property for Nonpayment** – Any unpaid debt will be deemed a lien against the real property to which service is rendered as specified herein and California Government Code Sections 61115(b)-(c), or as otherwise authorized by law.

7117.09 **Service Charges for Violations** – If water service is discontinued for violation of any of the District's rules, regulations, resolutions or ordinances, service shall not be reinstated until the violations have been corrected and all applicable security deposits, service charges, fees, and penalties, as provided for herein, paid.

7117.10 **Partial Payments** – A partial payment of a delinquent account may be accepted and credited to a customer's account, but such partial payment shall not be cause for removing the account from a delinquent status and shall not preclude the meter from being turned off for delinquency unless such partial payment is made pursuant to an amortization agreement authorized by the District pursuant to Section 7117.11 of this Policy.

7117.11 **Authorization for Continuance of Service for Delinquent Accounts** – The General Manager, or their designee may authorize continuation of service to a delinquent account if a payment agreement or other arrangements satisfactory to the District have been established.

SECTION 7118. ADDING DELINQUENT CHARGES TO TAX ROLL

7118.01 **Report of Delinquent & Unpaid Charges** – A report of delinquent and unpaid charges for water and other services which remain unpaid and delinquent on July 1 of each year shall be prepared and submitted to the Board for consideration as tax liens. The unpaid and delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report.

7118.02 **Adoption & Filing of Report** – The secretary shall file with the County Assessor and the Board of Supervisors of the appropriate county, in the time and manner specified by the County Assessor and Board of Supervisors, a copy of such written report with a statement endorsed thereon over the signature of the secretary, that such a report has been adopted and approved by the Board of Directors and that the County Assessor shall enter the amount of such charges against the respective lots or parcels of land as they appear on the current assessment roll.

7118.03 **Collection of Delinquent & Unpaid Charges** – The County Assessor shall include the amount of charges on bills for taxes levied against their respective lots and parcels of land and thereafter, the amount of such unpaid and delinquent charges shall be collected at the same time and in the same manner by the same person as, together with and not separately from, the general taxes, if any, for the District or the County and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

7118.04 **Non-Exclusive Remedy** – No provision herein is intended to preclude the District from taking any other legal action to enforce payment of any unpaid debts to the District.

SECTION 7119. CHARGES

7119.01 **Charges** – The Board may from time to time establish, by resolution, any or all of the following types of charges, in accordance with this Section or any other provision of this Policy. The schedule of approved charges will be posted at the District Office.

7119.02 **Administrative Charges** – The District charges various fees for administrative related processes (see District Policy No. 2000 for a list of water related administrative charges).

7119.03 **Service Establishment Charge** – The charge for processing the application for service and establishing a service.

7119.04 **Availability of Service/Meter Charge** – The availability of service charge is the monthly availability charge applicable to all metered services.

7119.05 **Consumption/Commodity Charge** – The consumption charge is the charge for all water registered by a water service meter, or as estimated by the District where a water meter is not used or where a water meter has malfunctioned.

7119.06 **Connection Charges** – The water service connection charge for facilities/capacity, water rights, and other products or services as determined to be applicable to the connection to the water system.

7119.07 **Delinquency Charge** – See “Penalty Charge”

7119.08 **Disconnect Processing Charge** – The charge which covers the reasonable District costs of processing the past due accounts for disconnection.

7119.09 **Disconnection Charge** – The charge or fee which covers the reasonable District costs of disconnection/discontinuation of service connection which are in violation of the provisions of this Policy. Disconnection charges for disconnection/discontinuation of service for nonpayment are subject to compliance with HSC 116914(a)(1) per Section 7117.01 of this Policy.

7119.10 **Facility/Capacity Charges** – The water service connection charge for facilities/capacity based upon five (5) separate categories, including: storage; supply; transmission; office and maintenance facilities; and future storage and transmission facilities.

7119.11 **Fire Hydrant Installation Charge** – The charge for installation of fire hydrants as may be required.

7119.12 **Fire Service Standby Charge** – The monthly standby charge per inch diameter of the

District fire service meter. Water use through this service shall be limited to emergency fire requirements only.

7119.13 **Inspection Charge** – Where a customer service connection or meter requires inspection by District personnel, the customer shall be charged for such inspection.

7119.14 **Late Fee Charge** – See “Penalty Charge”

7119.15 **Meter Test Charge** – The charge which covers the District costs for pulling, testing, and reinstalling the water meter to be tested.

7119.16 **Penalty Charge** – The charge added to each delinquent account at the time any amount becomes delinquent. When a delinquency charge is made, such charge shall be added to the account as of the date the account becomes delinquent and the charge shall become part of the amount due as of that time.

7119.17 **Plan Check Charge** – The charge incurred by the District in reviewing and inspecting water plans submitted to the District.

7119.18 **Repair Charge** – The charge incurred by the District in repairing any damage to any District facilities.

7119.19 **Reconnection Charge** – The charge or fee which covers the reasonable District costs of reconnection of service connection as a result of disconnection/discontinuation of service. Reconnection charges for reconnection of service for nonpayment per Section 7117.01 of this Policy are subject to compliance with HSC 116914 (a)(1), as described in Section 7117.01.14 (b) of this Policy.

7119.20 **Security Deposit Charge** – The charge which insures payment of minimum District charges, and which may be deposited with the District with the completed application prior to commencement of water service to any property.

7119.21 **Special Facility/Capacity Charge** – The charge required for development of limited service areas whenever special facilities, including, but not limited to, booster stations, hydropneumatic stations, and pressure regulators are required. The charge to be made to a developer or owner of land that is considered by the District to be within a limited service area shall be based upon the developer's or landowner's proportionate share of the cost for the installation of such special facility. Such proportionate share to be borne by the developer or landowner shall be based on the percentage of such development to the entire limited service area to be served by the special facilities; and the difference between the cost of facilities to serve the same number of acres or area under normal conditions and the cost of facilities to serve the

acreage or area under special conditions at a higher cost.

7119.22 **Tampering Charge** – The charge imposed on any person, organization, or agency for tampering in any manner with any meter, hydrant, or other facility belonging to the District.

7119.23 **Unauthorized Use of Water Charge** – The charge imposed on any person, organization or agency for each unauthorized use of District water.

7119.24 **Water Main Extension Charge** – The charge for the replacement or construction of the water main fronting the property to be served.

7119.25 **Water Service Connection Charges – Regular** – The charge for the type and size of water service meter or other connection desired and the cost of connection to the District's water system, as determined by the Board of Directors. Such regular charge shall be paid in advance by applicant. Where there is no regular charge, the District may require the applicant to deposit an amount equal to the estimated cost of such service connections.

Water service connections during winter months, when excessive snow and frost conditions prevail, shall be at the option of the District. The applicant shall agree to pay additional cost plus ten percent (10%) if they wish service under the above conditions. A deposit shall be required, based on an estimate of additional costs.

7119.26 **Water Rights Charge** – Charges in lieu of delivery of water rights for new service connections, and any other charge necessary for the purchase of replacement water.

7119.27 **Water System Design Charge** – A non-refundable charge required for checking plans provided for all main extensions, service connections and/or special facilities or for requiring the preparation of engineering plans and drawings by District personnel or consultants.

SECTION 7120. EFFECTIVE DATE

7120.01 This Policy shall become effective thirty (30) days after adoption.

APPROVED AND ADOPTED this 18th day of December 2019.


ROLL CALL:

Ayes: Hoffman, Johnson, Kujawa, Philips, Roberts

Noes:

Absent:

Abstain:



President of the Board of Directors

ATTEST:

Secretary to the Board of Directors

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