



March 4, 2021

**TO:** LOCSD Board of Directors

**FROM:** Ron Munds, General Manager  
Margaret Falkner, Utility Systems Manager

**SUBJECT: Agenda Item 6E- 03/04/2021 Board Meeting**

An introduction of an ordinance of the Board of Directors amending and restating various chapters of Title 2 of the District Code.

**President**

Christine M. Womack

**Vice President**

Matthew D. Fourcroy

**Directors**

Charles L. Cesena  
Troy C. Gatchell  
Marshall E. Ochylski

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**District Accountant**

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**DESCRIPTION**

District Staff has reviewed Title 2 of the District Code for outdated policies and references to obsolete engineering standards. As part of the review, staff also identified needed revision to billing procedures and other minor edits as noted in this report.

**STAFF RECOMMENDATION**

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

***Motion: I recommend:***

- 1. The Board approve the introduction and first reading of an Ordinance by title only amending Title 2 of the District's Code.***
- 2. Set the public hearing date for final adoption for April 1, 2021 and direct staff to publish the appropriate hearing notices.***

**DISCUSSION**

The recommended changes to District Code Title 2 are reflective of staff's most recent review of the code. In our ongoing effort to update the District's policies, procedures and references to obsolete standards, the sections of Title 2 that have amended are noted in the following table. Typographical changes that did not change the content but were provided for clarification throughout the document can be found in the attached redline version of the code.

The primary changes to Title 2 are:

1. The clarification of the property owner's responsibility for bill payment if a tenant becomes delinquent in Section 2.01.05.
2. Changing the reference from the District's Specifications and Drawings to the County of San Luis Obispo's Public Improvement Standards in multiple sections.
3. Changing all references to specific District fees in Title 2 to reference fees adopted by District Resolution to make it easier to adjust fees in the future.

The following table summarizes the changes to Title 2:

<b>Title 2 Section</b>	<b>Name of Section</b>	<b>Explanation of Changes</b>
<b>2.01.01 B</b>	Temporary Service	Deleted, no longer authorized
<b>2.01.04 E</b>	Name on water service application	If other than owner, owner information must be provided
<b>2.01.05</b>	Responsibility of Property Owner	Billing may be placed back into owner's name if tenant becomes delinquent.
<b>2.01.06</b>	Delinquent Accounts	Reference fee set by District Resolution
<b>2.01.07 B</b>	Following Due Date	Clarification of when a late Fee is charged to account
<b>2.02.02</b>	Service Connections	Reference County of San Luis Obispo Public Improvement Standards
<b>2.02.03</b>	Landscape Irrigation Connections	Reference County of San Luis Obispo Public Improvement Standards
<b>2.02.04</b>	Meter Size	Reference District's Standard Specifications for Metering
<b>2.02.05</b>	System Fees	Reference fee set by District Resolution
<b>2.02.07</b>	Backflow Prevention Devices and Special Facilities	Reference County of San Luis Obispo Title 8.30
<b>2.02.09 B</b>	Customer Installed Facilities	Refer to County of San Luis Obispo Public Improvement Standards
<b>2.02.11</b>	Distribution Facilities	Refer to County of San Luis Obispo Public Improvement Standards
<b>2.02.14</b>	Protection of Public water Supply	Refer to County of San Luis Obispo Public Improvement Standards; delete reference to agricultural customers
<b>2.02.15</b>	Main Line Extensions	Reference District's Standard Specifications for Metering
<b>2.04.02 A. 1.</b>	Reimbursement of Excess Costs	Refer to County of San Luis Obispo Public Improvement Standards
<b>2.07</b>	Design and Construction	Refer to County of San Luis Obispo Public Improvement Standards

## **FINANCIAL IMPACT**

There is no direct financial impact associated with the recommended action. The clarification of the property owner's responsibility for bill payment if a tenant becomes delinquent could result in more prompt payments which would alleviate the staff time it takes to process late fees and bills.

## **Attachments**

Ordinance 2021-01

Redline version of Title 2

Clean version of Title 2

**LOS OSOS COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2021-01**

**AN INTRODUCTION OF AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT)  
AMENDING AND RESTATING TITLE 2**

**WHEREAS**, The District is organized under Government code section 61000 as a Community Service District and has the authority to provide its residents with water for beneficial purposes under Government code Section 61100 (a).; and

**WHEREAS**, The Board acknowledges that updating District Code from time to time to reflect changes in policies and procedures, and minor revisions to references and outdated language is warranted; and

**WHEREAS**, The Board of Directors recognizes that providing clarification of the property owner's responsibility for bill payment for delinquent water bills is necessary; and

**WHEREAS**, The Board recognizes that general language in Title 2 regarding references to the District's Specifications and Drawings are obsolete and updated reference to the County of San Luis Obispo's Public Improvement Standards is warranted; and

**WHEREAS**, The Board will consider such amendments and the adoption of a resolution approving the proposed policies and procedures at its April 1, 2021 Board meeting; and

**WHEREAS**, The Board of Directors has noticed this public meeting pursuant to Water Code § 375 and has considered the Staff Report and public testimony regarding the adoption of this Ordinance.

**NOW, THEREFORE BE IT RESOLVED, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Authority**

This Ordinance is enacted pursuant to the California Government Code § 6100.

**Section 2. Amendment and Restatement of Title 2 of the District Code**

Title 2 of the District Code are hereby amended and restated as provided in Exhibit A, attached hereto and incorporated herein by reference.

**Section 3. Environmental Review**

The Board of Directors of the District finds that the adoption of the Amendment and Restatement of Title 2 of the District Code does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et. seq.*) or its implementing Guidelines (14 California Code of Regulations Section 15000 *et seq.*) ("CEQA Guidelines"). The Board of Directors finds that the adoption of the Amendment and Restatement of Title 2 of the District Code constitutes "general policy and procedure making" described in Section 15378(b)(2) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of the Amendment and Restatement of Title 2 of the District Code is a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of the Amendment and Restatement of Title 2 of the District Code may have a significant effect on the environment.

The District General Manager is authorized to prepare, execute and file a notice of exemption, but is not required to do so.

**Section 4. Findings**

The Board of Directors hereby finds and determines as follows:

- a. The proposed changes in the District Code are necessary to update the District's policies, procedures, and reference to obsolete standards.

**Section 5. Repeal of Prior Ordinances and Resolutions**

All Ordinances, sections of Ordinances and Resolutions that are inconsistent with Section 2 of this Ordinance are **hereby repealed**.

**Section 6. Incorporations of Recitals**

The Recitals are true and correct and incorporated here by this reference.

**Section 7. Severance Clause**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**Section 8. Effect of Headings in Ordinance**

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

**Section 9. Effective Date**

This Ordinance shall take effect thirty (30) days from date of its passage hereof. Before the expiration of fifteen (15) days after the adoption of this Ordinance, Exhibit A shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in a newspaper of general circulation within the District.

Introduced at its regular meeting of the Board of Directors held on March 4, 2021, and passed and adopted by the Board of Directors of the Los Osos Community Services District on the 1<sup>st</sup> day of April 2011, by the following roll call vote, to wit:

Upon motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

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Christine Womack  
President of the Board of Directors  
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

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Ron Munds  
General Manager and Secretary to the Board

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Jeff Minnery  
District Legal Counsel

## TITLE 2

### Chapter 2.01 General Regulations and Procedures Pertaining to District Water Service (Adopted 1/4/01)

#### 2.01.01 Purpose and Scope

This section sets forth the rates, charges, rules, regulations and procedures governing the use of the District's water facilities.

- 2.01.02 Application for Regular Service
- A. Regular Service. Application for regular service shall be made, in writing, by the property owner, tenant or a bona fide nonresident property manager (authorized agent), on an application form provided by the District. All applications shall include a service Activation Fee as established in the District's Master Fee Schedule and payment of accrued fees and charges, if applicable.

~~B. Temporary Service~~ ~~Temporary Service.~~ ~~(This section repealed on April 2, 2021)~~

- ~~1. For the purpose of providing time to submit the owner's application pursuant to Section 2.01.02A above, an application for a 14-calendar-day temporary service account may be made by a person who provides the District with the following:
  - ~~a. Proof of right to reside at the premises (i.e. written lease);~~
  - ~~b. A \$10 temporary application fee;~~
  - ~~c. A service activation fee as established in the District's Master Fee Schedule;~~
  - ~~d. A \$50 security deposit for services to be provided during the temporary service period (or as established by the General Manager or his/her designee).~~~~
- ~~2. The General Manager is authorized to extend a temporary service account for seven additional calendar days upon written request accompanied by an additional \$10 temporary application fee.~~
- ~~3. Unless application for permanent service has been made during the temporary service period, the water meter shall be turned off and locked by 5 p.m. the day following the expiration of the temporary service period.~~

2.01.03 Commencement of District Billing

- A. The District shall commence billing for water service for new connections beginning on the date when the meter is installed.
- B. The District shall ~~install the meter commence billing for water service for property served with existing meters~~ when all activation fees are paid, ~~and the meter is unlocked.~~

2.01.04. District Billing Procedure

- A. Except as provided in Subsection 2.01.04 B below, water meters are to be read and statements for water are to be mailed once every two months.
- B. The General Manager, at his/her discretion, may cause a meter reading to be made at any time; and thereafter bill the customer for water used since the previous reading.
- C. Meters will be read, as nearly as possible, on the same day of the month as determined by the District.
- D. Water charges will appear on the bill for the address where services are being provided.
- E. All billing statements shall be mailed to the person designated in the application. If the person designated in the application is other than the owner of the property, then, ~~the owner information must be provided to the District at the time of application, for a nominal charge and at owner's written request, the District will mail a duplicate bill and turn-off notice to the owner.~~
- F. All fees and charges become due and payable prior to the finalizing of the account. The due date for Final Bills is 10 days after it is generated.

2.01.05 Responsibility of Property Owner

The owner of the property, in which services are furnished is the customer and shall be responsible for the payment of all rates, charges and fees, including penalties, thereon regarding such furnished services. Unpaid obligations shall run with the land, shall create a lien on the property, and shall lead to delinquency and termination of service for the property involved without regard to any changes of residency or occupancy by persons different than the persons shown on District records as obligated to pay said bill. Should the owner agree to allow a tenant or other third party ("Third-Party") to be responsible for the payment of rates, charges, fees, and penalties, the District will accommodate the billing to Third-Party, however, the owner remains ultimately responsible and subject to this section 2.01.05 of Title 2. The District will use commercially reasonable efforts to keep the owner informed if the Third-Party billing becomes delinquent, however, the District assumes no responsibility should the owner delegate payment obligations to a Third-Party. At any time, based upon reasonable grounds

for uncertainty, the District may place the billing back into the name of the owner and bill the owner directly and not the Third-Party.

2.01.06 Delinquent Accounts

Accounts not collected within twenty-five days of billing, are delinquent. Delinquent accounts shall incur a ~~basic penalty of ten percent of the unpaid amount.~~ fee adopted by District Resolution.

2.01.07 Discontinuance of Service.

A. Water service may be discontinued for any one of the following reasons:

1. Delinquency, in the payment of any water service rate or charge except that residential service shall not be discontinued for nonpayment in any of the following situations:
  - a. During the pendency of any investigation by the District of a customer dispute or complaint.
  - b. When a customer has been granted an extension of the period for payment of a bill respecting water service.
  - c. When a customer is willing to enter into an amortization agreement.
  - d. On the certification of a licensed physician or surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into a amortization agreement with the District and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.
  - e. The customer can demonstrate that he or she is unable to financially pay for residential service during the Districts normal billing cycle. The customer may prove that they are financially unable to pay for residential service during the Districts normal billing cycle if any member of the household is a current recipient of financial assistance programs such as Cal WORKS, Medi-Cal or other general assistance programs.
  - f. The customer can declare and demonstrate that the household's annual income is less than 200% of the federal poverty level.
2. The unauthorized taking of water ~~or the taking of water in excess of the amount paid for.~~

3. Failure of the customer to maintain his facilities in a suitable condition to prevent waste of water.
  4. The existence of any unprotected cross connections on the customer's premises or the lack of adequate backflow protection at the service connection.
  5. To protect the District against fraud or abuse.
  6. Any violation by the customer of any rules, regulations or fees of the District governing water service.
- B. Commencing at eight a.m. the day following the due date stated ~~in the second notice on the door hanger~~, a lock out / reactivation fee as established by District resolution will be charged to the account. Further, a work order may be generated to discontinue service for failure to make payment, pursuant to Section 2.01.07A above
  - C. Ten days after the District initiates a work order to discontinue service pursuant to Section 2.01.07B, above, the service shall be considered permanently discontinued and the account will be finalized.
  - D. Services discontinued pursuant to this Section shall not be restored until all fees and charges are paid in full.

2.01.08 Notice of Discontinuance of Residential Service for Nonpayment

- A. At least ~~seven (7)~~ seven (7) days before any proposed discontinuance of residential water service for nonpayment of a delinquent account respecting such service, the District shall contact the customer by telephone or deliver a Lockout notice, to the customer or occupant to whom the service is billed of the proposed discontinuance. The notice shall include the information as described in section 2.01.08 B

If the District makes contact with the customer by telephone, they must provide the customer with information on how to obtain the District policy on discontinuation of service. The district shall also inform the customer of the option to request amortization of the unpaid balance.

If the customers address is not the address of the property to which discontinuance of service will occur, the District will mail a notice, postage pre-paid to the customers billing address.

In addition to the ~~seven (7)~~ seven (7) day notice provided for in the preceding paragraphs, the District shall make a reasonable attempt to contact any adult person residing at the premises of the customer by telephone or personal contact at least forty-eight (48) hours prior to any discontinuance of service, except that, whenever telephone or personal contact cannot be accomplished, the District shall give, by mail, in person, or by posting in a conspicuous location at the

premises, a notice of disconnection of service, at least forty-eight (48) hours prior to disconnection

- B. Every Lock Out Notice of service required by this section shall include all of the following information:
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 discontinuance;
  4. The procedure for the customer to obtain information by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for service contains a description of that procedure;
  5. The procedure for the customer to obtain information on the availability to request amortization on the amount of delinquency; and
  6. The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

2.01.09 Notice of Discontinuance of Service with a Landlord-Tenant Relationship to Multi-unit Residential Structures or a Detached Single-Family Dwelling

Whenever the District furnishes water through a master meter, or furnishes individually metered service in a multi-unit residential structured, mobile home park, or farm labor camp, the District will give the following notices prior to discontinuing service:

- A. Notify the owner of the property pursuant to Section 2.01.08 above; and
- B. Make every good faith effort to inform the actual users of the service, when the account is in arrears by means of a notice that service will be terminated in ~~seven~~ seven (7) days. Said notice will comply with Government Code Section 60371.
- C. The notice of discontinuance shall further inform the residents 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.
- D. The District is not required to make service available to the residents unless each occupant agrees to the terms and conditions of service and meets the requirements of the District policies. However, if one or more of the residents are willing to assume the 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 residents who have not met the requirements of the District, the District shall make service available to those residents who have met the requirements.

- E. In the case of a detached single-family dwelling, the district shall give notice of termination, to the residents, at least ~~seven (7)~~seven (7) days prior to the proposed shutoff. In order for the amount due on the delinquent account to be waived, the District will require the resident who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager or agent of the dwelling.

2.01.10 Discontinuance of Non-Residential Services for Nonpayment.

At least ~~seven (7)~~seven (7) days before discontinuing nonresidential water service, the District shall provide a written notice to the customer. The notice shall specify the reason for the proposed discontinuance and inform the customer of the opportunity to discuss the reason for the proposed discontinuance with the General Manager, or his/her designee. The General Manager or his/her designee is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the General Manager, or his or her designee, shall be included in any such notice of proposed discontinuance given to a non-residential customer.

2.01.11 Discontinuance of Service on Weekends, Holidays or After Hours.

District Services will not be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

2.01.12 Investigation and Amortization of Delinquent Bill for Residential Water Service.

- A. The General Manager, or his/her designee, is hereby authorized to investigate complaints and review disputes pertaining to any matters for which water service may be discontinued and to rectify errors and settle controversies pertaining to such disputes.
- B. Every complaint or request for investigation by a residential customer that is made within five (5) days of receiving the disputed bill for water service, and every request by a residential customer that is made within thirteen (13) days of the mailing of the notice required by Section 2.01.08 for an extension of the payment period of such a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the General Manager, or his/her designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the amount over a reasonable period of time, not to exceed twelve (12) months. The District will permit only one (1) amortization agreement per eighteen (18) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the General Manager, or his or her designee, may appeal the determination to the Board of Directors.

2.01.13 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement

If an amortization agreement is authorized, no discontinuance of water service shall be ~~effected~~ affected for any residential customer complying with such agreement, providing the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the District shall not discontinue service without giving notice to the customer at least forty-eight (48) hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance. The notice does not entitle the customer to further investigation by the District.

2.01.14 Public Nuisance, Abatement

During any period of non-connection or disconnection of water service, habitation of premises by human beings shall constitute a public nuisance, whereupon the District may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. The District may request the County Health Officer to commence proceedings to be brought for the abatement of the occupancy of the premises by human beings. In such event, and as a condition of reconnection, there shall be paid to the District a reasonable attorney's fee and costs of suit arising in said action.

2.01.15 Partial Payment Spread

In the case of partial payment by a customer, the payment will be applied to the account in the following order:

- A. Penalties and restoration charges;
- B. Late charge;
- C. Water charge.

2.01.16 Returned Checks

A charge, as established by District Resolution, will be charged against any person whose check or ACH is returned by the bank due to lack of funds. Returned checks and ACH's are processed as delinquent payments for purposes of applying Section 2.01.07.

2.01.17 District Posting of Delinquent Accounts and District Policy Availability

The District will be required, annually, to post the number of times the District has discontinued services, due to inability to pay, of its customer. These figures will be reported to the Board of Directors, prior to posting on the Districts website.

The District policy for discontinuance of service will be made available to customers, as requested. The policy will be available for pickup at the District offices and available for

electronic review on the District website, [www.losososcsd.org](http://www.losososcsd.org). If the policy is needed in an alternate language, other than English, the District will make it available as well.

2.01.18 Meter Malfunction

- A. A customer who questions the accuracy of a meter serving his premises may request a test of its registration. A ~~testing water meter flow test charge fee~~, as [adopted by District Resolution](#), shall be required in advance when a test is requested.
- B. If a meter is found to over register more than 5%, the District shall return the charge for the test and the customer shall be entitled to a refund based on adjustment made by the District Manager. Such adjustment shall be calculated by taking the difference between the normal use and the incorrect reading. In no case shall refunds cover more than two consecutive months prior to the discovery of meter malfunction.
- C. When a meter is found to under register by more than 5%, the charge for water will be based, at the option of the District, either on previous consumption for the same period in the preceding year during which the meter is known to have registered correctly, or on the consumption as registered by a "substitute meter".

2.01.19 Tampering

- D. No person, other than an authorized District employee, shall at any time or in any manner, operate, or cause to be operated, any valve in or connected to a water main, service connection or fire hydrant, or tamper or otherwise interfere with any water meter, meter valve, backflow prevention device, detector check valve, or other part of the District's water system.
- E. In addition to other District rights and charges, a charge as established by District Resolution, will be charged to the customer in all situations where a person has tampered with District services or privately restores water service without District permission. Such fee shall be added to any and all water bills for the property or units affected by the illegal water tampering.
- F. If a person's actions result in damage to the District's water system or water system related appurtenance, the cost of repair and/or replacement will be charged to the customer.
- G. Staff shall prepare and keep complete and accurate records concerning tampering with District's service systems. The District Manager shall review such records and shall decide appropriate legal action to be taken by the District. If there is more than one such tampering violation for the same property within any five year period, the Board shall hold a public hearing to consider permanent disconnection of water service to the property, or such other remedies as the Board deems appropriate.

2.01.20 District Rates, Charges and Fees

A. Water rates, charges and fees:

Water rates are set forth in Appendix A.

2.01.21 Utility Billing Adjustments (Adopted 04/02/2020)

- A. The District's Board of Directors shall adopt, by resolution, utility billing adjustment policies and procedures.

Chapter 2.02 Water System Generally (Adopted 1/4/01)

2.02.01 Applicability

The rates and regulations set forth herein pertain to service to lands and/or improvements lying within the boundaries of the District. Service to lands outside the District shall be only on terms and conditions established by the ~~board~~ Board of Directors respecting the particular service involved.

2.02.02 Service Connections

- A. Each house or building under separate ownership or capable of separate ownership shall be provided with its own service connection or connections.
- B. Two (2) or more houses or buildings (such as apartments) under one (1) ownership and located on the same lot or parcel of land may be supplied through one (1) service connection.
- C. When a parcel or building receiving water service through one connection is subdivided into smaller lots, parcels or units, capable of separate ownership, then the existing service connection shall be deemed appurtenant to the parcel or building until upon which it is situated or most immediately adjacent.
- D. The District reserves the right to limit the number of houses or buildings, or the area of the land under one (1) ownership to be supplied by one service connection.
- E. A service connection shall not be used to supply adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley.
- F. All service connections to be constructed in accordance to "~~District Specifications and Drawings~~ Section 6 of the County of San Luis Obispo's Public Improvement Standards and the District's Standard Specifications for Metering" as amended from time to time.

2.02.03 Landscape Irrigation Connections

Except for connection to a single-family residence, a separate service connection with back-flow prevention device shall be provided to each parcel of property for landscape irrigation in accordance with [District Specifications and Drawings Section 6 of the County of San Luis Obispo's Public Improvement Standards](#). A separate Landscape Connection Fee shall be computed pursuant to Section 2.02.05, and paid.

2.02.04 Meter Size

- A. ~~Except as provided in Subsection 2.02.04B, below, t~~The water meter size for each service connection shall be determined by the District's [Standard Specifications for metering and](#) pursuant to the Uniform Plumbing Code, ~~Table 6-4 as set forth in Appendix C to this ordinance.~~
- ~~B. The minimum water meter size for each service connection that serves a single-family residence on one (1) acre or larger parcel shall be one (1) inch.~~

2.02.05 System Fees

- ~~A. All New Development Fees will be set by Resolution of the Board of Directors~~
  - ~~A.~~ New connections shall be subject to system fees and charges based on the estimated reasonable cost of the District facilities and services required to provide water. The fees shall consist of six (6) component parts as follows (capacity charge, meter set fee, water service connection fee, meter fee, account set-up fee and supplemental charge (if applicable)). Said fees are set forth in Appendix A to this Ordinance.
- B. Supplemental Charge.
  - 1. When a new service is connected to a District installed water line, the applicant shall be charged a front footage fee as established by District Resolution for each parcel fronting the water line or one-half the amount when District service can be provided on both sides of the water line. Where the frontage has been subdivided, rear and front parcels shall share on a per parcel basis the frontage of the subdivision creating the parcels.
  - 2. When a new service is connected to a developer-installed water line, the applicant shall pay a supplemental charge pursuant to that reimbursement agreement established under to Chapter 2.04 below.
- C. The water service connection fee, meter set fee, meter fee, and account set-up fee shall be ~~established pursuant to~~[adopted by the District's Cost Recovery Ordinance-Resolutions amended from time to time.](#)
- D. Payment of System Fees. The applicant shall pay all system fees prior to the District's issuance of a will-serve letter. The District shall not provide service until all fees are paid in full and the project (if applicable) is accepted by the District.

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2.02.06 Resale of Water

No person shall resell any water received from the District to any other person, or for use on any other premises, or for any other purposes than specified in the application for service.

2.02.07 ~~Backflow Prevention~~Cross-connection Devices and Special Facilities

- A. Cross-connection Devices: Where conditions, as set forth ~~herein~~ herein the County of San Luis Obispo's Title 8.30, require a ~~backflow prevention~~cross-connection device, ~~such as double check valve or a pressure reducing valve, and installation shall be by the customer,~~ the District shall be notified of the installation and verification of the valve inspected before being placed in service.
- B. Pressure Regulators and Special Facilities: Where the conditions of service are such that a pressure regulator or other special facility, including but not limited to booster pumps, are required, the customer shall provide, install and maintain the necessary equipment.

2.02.08 Change in Size of Service

When a change in use of a building, premises or an area to be served, causes an increase in water use that exceeds the meter size, then new water meter and service shall be required or water service may be terminated ~~as a violation of Section 2.01.07.A6 above~~. When a change in size of service is required, the following provisions shall apply:

- A. Replace Smaller Meter with Larger Meter. The customer shall pay the applicable system fees required for the larger meter, ~~less a credit for the facilities replaced~~.
- B. Replace Larger Meter with Smaller Meter. The customer shall pay the applicable system fees required for the smaller meter. This change in size of service shall be made without additional charge to the customer.

2.02.09 Service Facilities - Ownership

- A. District-Installed Facilities
  - 1. All water service pipes and equipment required to serve a customer up to and including the meter shall be owned by the District, whether installed:
    - (a) On a public or private property; or
    - (b) At applicant's or District's expense.
  - 2. District equipment required for service which is installed on a customer's premises may be repaired, replaced or removed by the District. Authorized representatives of the District shall have the right of access to such equipment for any purpose reasonably connected with furnishing service.

3. The customer shall exercise care to prevent damage to or interference with the operation or servicing of District equipment. The customer shall be liable for maintaining vegetation and overgrown brush around the meter box. Clearing around the meter of 1.5 feet in all horizontal directions and 5 feet vertical clearance is sufficient. The District will notify the customer by mail, door hanger or phone communication of the violation, and allow thirty 30 days for the violation to be corrected. If the customer fails to comply, fees will be imposed for District time and materials spent to complete the work of clearing the area around the meter box. The customer shall be liable for any damage to District-owned meters, locks or other equipment, which is caused by himself or his tenants, agents, employees, contractors, licensees or permittees, and must promptly reimburse the District on presentation of a bill for any such damage.

B. Customer Installed Facilities.

1. Pressure regulators, backflow prevention devices, customer service lines, and other special facilities beyond the meter are owned by the customer, and their proper operation and maintenance are the responsibility of the customer. District regulations relating to assurances regarding proper operation of such facilities are set forth in Sections 2.02.13 and 2.02.14 below.
2. Under special conditions and with the consent of the Board, the customer may furnish and install the required meter installation to ~~District~~ [the specifications in Section 6 of the County of San Luis Obispo's Public Improvement Standards and the District's Standard Specifications for Metering standards](#) at ~~his~~ [their](#) expense (in lieu of Payment to the District or the established connection fee). Under such circumstances, the customer shall be required to pay to the District the costs of engineering and inspection services occasioned by such installation. Such customer-installed facilities between the District pipeline and the customer's side of the meter normally shall become the property of the District and shall thereafter be maintained by the District; provided, that where meters have been provided by a water agency customer of the District in connection with related features of its water system and it is deemed impracticable for the District to maintain the meter, then the customer shall retain ownership of such meter and shall maintain it in proper working condition. The District shall have the right to require the customer to test such meters for accuracy at reasonable intervals and shall have access to such meters for inspection, testing, and meter reading purposes.

2.02.10 Public and Private Fire Services

- A. Public Fire Service. The District may enter into contracts for fire hydrants and the supplying of water for fire protection use to any other District, public agency, or municipality located within the District under such terms and conditions as may be mutually acceptable to the District and the agency.

- B. Private Fire Service. The District will not make the decision requiring the customer to install private fire sprinkler systems, this determination will be made by San Luis Obispo County. The fire sprinkler systems will be installed after the meter connection, on the customer service line. If it is determined an upgrade in service line or meter size is needed to properly operate the fire sprinkler system, the customer will be responsible for paying the costs associated with the upgrade in service, and also in accordance with Section 2.02.08, above.

#### 2.02.11 Distribution Facilities

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All District facilities shall be installed in accordance with "~~District Specifications and Drawings~~ County of San Luis Obispo Public Improvement Standards. The initial minimum water main size shall be eight (8) inches in diameter. Future main sizes shall be established in the San Luis Obispo Public Improvement Standards. ~~District Specifications and Drawings~~.

#### 2.02.12 Water Supply and Interruption of Service

The District will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water at the meter. The District, however, shall not be liable for interruption of service or shortage or insufficiency of supply or for any loss or damage occasioned thereby. For the purpose of making repairs or installing improvements to the system, the District shall have the right to temporarily suspend the delivery of water. The customer shall be notified in advance of such action, except in cases of emergency. Repairs or improvements will be performed as rapidly as may be practicable and so far as possible at times which will cause the least inconvenience to the customers concerned. The District shall not be liable for any loss or damage occasioned by such suspension of service.

#### 2.02.13 Water Receiving Equipment - - Responsibility

- A. The customer shall be responsible for connecting his pipeline to the District's meter. The customer shall furnish and install at his own risk and expense that portion of the water system which begins at the outlet side of the meter. Such water receiving equipment shall remain the property of the customer and they shall be responsible for its maintenance and repair. The District shall have the right to require the customer to adjust, replace or discontinue using any water receiving or regulating equipment on his side of the meter which disturbs or inconveniences other customers.
- B. Where reduced or increased pressure is desired by the customer, he shall be responsible for installing and maintaining the necessary regulator pumps and relief valves. In such cases, the equipment shall be installed on the customer's side of the meter at the customer's expense.
- C. The District shall not be responsible for any loss or damage caused by the negligence, want of proper care, or wrongful act of the customer or any of customer's tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with any water receiving equipment. Furthermore, the District shall not be responsible for damage caused

by faucets, valves and other equipment which may be open at any time that water is turned on at the meter.

2.02.14 Protection of Public Water Supply

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- A. In making plumbing connections, the customer is required to comply with the regulations of the California State Water Resources Control Board and the United States Public Health Service, [and in accordance with the County of San Luis Obispo's Title 8.30](#). Such regulations prohibit:
1. Unprotected cross-connections between a public water supply and any unapproved source of water; and
  2. Unprotected water service connections to premises where there is a possibility of contaminated water backflowing into the public water system.
- B. The District requires the installation of approved ~~double-check valves or other protective devices by and~~[cross-connection device](#) at the expense of the customer before granting or continuing service under such conditions as the following:
1. Where another source of water is in use or is available for use ~~unless the alternate supply has been certified for domestic use by the county health department or the California State Water Resources Control Board; and~~
  2. Where contaminated liquid or soluble substances of any kind are used, produced or processed;
  3. ~~Services to agricultural land where the customer utilizes his irrigation system for the application of fertilizers or other chemicals to the land through injection of such substances into the water system. All agricultural services shall be considered potentially dangerous cross-connections unless and until the customer executes a certificate in a form prescribed by the District certifying that objectionable chemicals are not injected into their water system and agreeing to notify the District in advance of their intention to commence such practice and to arrange for the installation of an approved backflow prevention device before performing such injection. In special cases, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution to prevent backflow. Double-check valve or pressure-reducing valve installations and other protective devices may be inspected and tested for water tightness by the District. Service to any premises may be immediately discontinued if it is found that dangerous unprotected cross-connections exist or if any defect is found in the check valve installation or other protective devices. Services shall not be restored until such defects are corrected.~~
- C. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him at his expense when check valves

or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

- D. The regulations of the California State Water Resources Control Board also require that the owner of any premises on or for which check valves or other protective devices are installed shall inspect these devices for water tightness and reliability at least once per year. All defective devices shall be serviced, overhauled, or replaced at customer's expense. A written report on this annual inspection shall be made available to the District.
- E. No person shall attach any ground wire to plumbing which is or may be connected to District service equipment. The District shall hold such persons liable for any damage to District property resulting from a ground wire attachment.

#### 2.02.15 Main Line Extensions and Construction of District Facilities

- A. All main extensions required to be constructed as a condition of service shall be constructed to and across the front footage of the customer's parcel. Special provisions may be required for a corner lot or for other irregular shaped lots and shall be determined by the General Manager.
- B. All main extensions and other District facilities shall be constructed by licensed contractors in accordance with ~~"District Specifications and Drawings"~~ County of San Luis Obispo's Public Improvement Standards as amended from time to time. The District may require the applicant to enter into a District Facilities Plan Check and Inspection Agreement. When applicable, the applicant may be entitled to reimbursement pursuant to Chapter 2.04 below.

#### 2.02.16 Right of Entry or Access

Authorized inspectors, agents and employees of the District who are furnished with, carry and upon request display appropriate evidence of identification, may enter upon the private property of any person within the jurisdiction of the District in order to investigate possible violations of an ordinance of the District that has been adopted in order for the District to carry out only the purposes specified in subdivision (a) or (b) of Section 61600 of the Government Code. The investigation shall be made with the consent of the owner or tenant of the property or, if consent is not given, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, except that, notwithstanding Section 1822.52 of the Code of Civil Procedure, the warrant shall be issued only upon probable cause.

#### 2.02.17 General Prohibition

No person shall make, permit, approve, or allow any water connections and/or extensions contrary to this Ordinance, other District Rules and Regulations, and the District's Specifications and Drawings.

Chapter 2.03 Sewer System Generally

(This section was repealed on May 3, 2018)

Chapter 2.04 Reimbursement Agreements (Adopted 1/4/01)

2.04.01 Purpose and Applicability

- A. This Section is intended to provide an equitable procedure for at least partial reimbursement to private parties who construct and dedicate District facilities to serve their private property if such facilities are also used, thereafter, to directly serve and benefit private property owned by others.
- B. Whenever an applicant is required, as a condition of development, to construct and install any District water facilities which will be dedicated to the District and which has the future potential and capacity to provide service to real property parcels not under the control or ownership of the applicant the future reimbursement provisions of this Section shall apply unless the District specifically provides otherwise by Ordinance or resolution.

2.04.02 Reimbursement of Excess Costs

- A. Excess costs equal the sum of the following:
  - 1. Over-sizing: The difference between the estimated cost of installing the size of line required to serve Applicant's needs pursuant to County of San Luis Obispo Public Improvement Standards District's Specifications and Drawings and the actual cost of installing a larger line at the direction of the District.
  - 2. Off-Site Development: A pro-rata share of the total cost of installing District facilities and appurtenances at the direction of the District computed on the estimated use by the Applicant and the probably future use by connectors other than Applicant.
- B. Approval of Excess Costs: District shall have the right to audit the excess costs submitted by Applicant, and to approve for reimbursement only so much thereof it determines to be just and reasonable. Such excess cost, if any, shall be computed when said facilities are completed by Applicant and accepted by District, and said costs shall be paid as provided in the Reimbursement Agreement.

2.04.03 Proration of Costs

- A. The District's Engineer shall prorate the approved excess costs against all lots or parcels which in the future may be served by direct connection thereto. The District shall send written notice of the prorated amount to the person shown on the latest County assessor's roll as the owner or agent of record for assessment purposes for each parcel. Such person may protest the pro-rations in writing within fourteen (14) days after the notice is mailed. If not protested within the fourteen (14) days, the pro-ration shall become final for the purposes of this Section.

- B. A protest shall be concerned only with the division or spread of the actual and necessary construction costs between or among the builder's property and all other properties to be included in the area subject to the pro-ration procedure. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of actual cost information as presented by the Applicant or his agent to the District's Engineer.
- C. The District's Board of Directors shall hold a public hearing to consider all such written protests. All evidence in support of the protest shall be submitted in writing to the District at least ten (10) days before the meeting. The Engineer shall prepare a written report and recommendation to the Board on each protest. A copy of the Engineer's report shall be mailed, or otherwise delivered, to the concerned protester at least five (5) days before the board meeting to consider the protest.
- D. The Board's decision on the protest shall be in writing, and shall be final. If the Board's decision results in an increased pro-ration amount for properties owned by anyone other than the protester or the Applicant, a new notice and a new fourteen (14) day period shall be given for each such property.
- E. If no protest is filed for a property within the fourteen (14) day period after the first or any subsequent notice of prorated amount is mailed for that property, the pro-ration shall become final as to the property.

#### 2.04.04 Ten-Year Repayment Obligation

For a period of ten (10) years from the date of official acceptance of any such facility, the subdivider shall be eligible for reimbursement of the foregoing prorated amount from each parcel as the parcel, or portion thereof, connects to the facility.

#### 2.04.05 District to Serve as Collection Agency

The District shall collect the prorated amount for each parcel before permitting the parcel to connect to the facility. It is the duty of the applicant to keep a current address on file with the District. Reimbursement amounts returned to the District and unclaimed after one year shall become the property of the District.

#### 2.04.06 District Administrative Costs

As partial reimbursement to the District for its administrative and engineering costs associated with calculating reimbursement amounts, plus record keeping, collection and disbursement activities, the District shall charge, deduct and retain the percentage established as District overhead in the District's Cost Recovery Ordinance of all reimbursement amounts collected from subsequent builders.

2.04.07 District Connections

- A. The District may make connections to the water facilities to serve public facilities without any obligation to pay any such refunds.
- B. The District may also make or permit connections to the facilities to serve private property outside of the area of proration as determined by the Engineer; provided, however, that the District Board of Directors reserves the right to determine at that time whether or not the owners of such private property shall be obligated to reimburse Applicant as provided in this Section.

2.04.08 All Other District Water Charges in Effect

Nothing herein shall be construed or applied to affect or reduce any other District charges, fees, connection or other amounts payable to the District for water service.

2.04.09 District Liability

If for any reason the reimbursable cost is or becomes uncollectible, as determined by the District, the District shall not be liable to the Applicant for the excess costs in constructing the District Facilities.

Chapter 2.05 Fire Hydrants, Use of District Fire Hydrants for Temporary Water Service for Construction and Other Purposes (Adopted 1/4/01)

2.05.01 Fire Hydrants

- A. Use and Damage to Fire Hydrants. It is unlawful for any person other than a Los Osos Community Services District employee or public safety personnel to open any fire hydrant or attempt to draw water from it in any manner without a written permit from the Los Osos Community Services District.
- B. Moving of Fire Hydrants. When a fire hydrant has been installed in a location specified by proper authority, the community services District has fulfilled its obligation. If a property owner or other party desires change in size, type or location of the hydrant, that party shall bear all costs of such change or changes without refund. Any change in the location of a fire hydrant must be approved in writing by the CalFire and the District. Where said approval in writing is provided by the CalFire said permission shall be presented to the District prior to the change in location.
- C. Use of Spanner. It is unlawful to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose.

2.05.02 Unmetered Water—Use Prohibited

- A. No person other than District personnel or public safety personnel in the performance of their duties shall draw or use water from the District's water supply system which has not been delivered through a water meter approved and maintained by the District except as provided in ~~Section E.3~~ [Section 2.05.03](#) below.

2.05.03 Permits for Temporary Water Service for Construction and Other Purposes

- A. All temporary water service shall be supplied through a fire hydrant designated by the District. A permit for the use of the fire hydrant shall be obtained from the Los Osos Community Services District prior to the use of water from the fire hydrant. The rates for such temporary service shall be established from time to time by resolution of the Board.
- B. A fire hydrant water meter shall be required for all temporary water service. The amount of deposit and rent for a fire hydrant water meter shall be set from time to time by resolution of the Board.
- C. An administrative fee per permit request shall be added to the fees for temporary water service. The administrative fees shall be set from time to time by resolution of the Board.

2.05.04 Immediate Termination of Temporary Water Service

Any temporary water service connection used for construction or other purposes may be immediately terminated by the District, without prior notice, if such action is necessary to maintain the adequate minimum pressure of the District's distribution system and to protect the quality of the District's water supply.

Chapter 2.06 Water Conservation and Emergency Water Shortage Regulations Adopted 2/5/15

2.06.01 Water Conservation Stages.

A. Stage I Conservation.

1. Upon a determination by the Board of Directors that there exists rainfall totals as March 31st: less than median of (17inches) for the current year, a target reduction of 5% and the following prohibitions shall take effect for residential customers:
  - (a) All outdoor irrigation of vegetation shall occur only between the hours of dusk and dawn
  - (b) The use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground and other hard-surface areas by direct application shall be prohibited.
  - (c) The use of non-drinking-water fountains, except for those using recirculated water, shall be prohibited.
  - (d) Use of water which results in flooding or run-off in gutters or streets shall be prohibited.
  - (e) Commercial, and Irrigation customers will reduce consumption by 5% on a voluntary basis.
2. In Addition to the prohibitions referenced in Section 2.06.01.A1 above, the Board of Directors will initiate a public information campaign to educate District residents, urging water conservation and showing ways the public can save water.

B. Stage II Conservation.

1. In addition to Stage I conservation measures, upon determination of the Board of Directors that there exists rainfall total as of March 31st: less than or equal to thirty-two (32) inches for over two (2) years or less than or equal to forty-eight (48) inches over three (3)years or sixty-five 65 inches over four (4) years or eighty-one (81) inches over five (5) years, the following measures shall take effect immediately:
  - (a) Each residential unit shall be limited to 174 gallons per day per household or 58 gallons per day per occupant
  - (b) Use of water from fire hydrants shall be limited to fire suppression and/or other activities immediately necessary to maintain health, safety and welfare of residents within the boundaries of the Los Osos Community Services District.

- (c) The use of District potable water for construction projects shall be prohibited.
  - (d) The washing of automobiles, trucks, trailers, boats and other types of mobile equipment not occurring upon the immediate premises of a commercial car wash and/or commercial service station shall be prohibited unless residents have an automatic shut-off hose nozzle and do not allow water to run off their property.
  - (e) The use of potable water to irrigate lawns, landscape plantings, groundcovers, and shrubs shall be limited to prescribed days and hours. Irrigation shall only occur between dusk and dawn, and shall only occur on Wednesday and Sunday for even numbered addresses, and Tuesday and Saturday for odd numbered addresses. Community recreational facilities shall be exempt from this prohibition.
  - (f) Water main flushing shall only occur in emergency situations as declared by the District General Manager.
2. In addition to those measures stated in 2.06.01.B1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

C. Stage III Conservation.

1. In addition to the water conservation measures established in Stage I and Stage II above, upon a determination of the Board of Directors that there exists, rainfall total as of March 31st: less than or equal to 29 inches for over two (2) years or less than or equal to forty-three (43) inches over three (3) years or fifty-eight (58) inches over four (4) years or ~~seventy~~seventy-two (72) inches over five (5) years, or chloride triggers at 8<sup>th</sup> Street or 10<sup>th</sup> Street wells is equal to 150 milligrams per liter (mg/L), or Total Dissolved Solids (TDS) triggers at 8<sup>th</sup> Street or 10<sup>th</sup> Street wells is equal to 700 mg/L the following measures shall take effect:
- (a) Each residential unit shall be limited to 150 gallons per day per household or 50 gallons per day per occupant based on the information on the Occupancy Form on file with the District.
  - (b) Each commercial customer shall be limited the amount in section 2.06.C.1(a) above or the water shortage contingency rate adopted by the Board of Directors.
  - (c) Irrigation of community recreational facilities and residential edible crops shall be exempt from this prohibition.
  - (d) Penalties up to two (2) times the established rate for usage above allocation, may be applied. District will notify customer of usage

above allocation, if the customer fails to modify usage, penalties may be applied.

- (e) No new intent-to-serve applications will be considered.
- (f) No allocations may be transferred to another property.

- 2. In addition to those measures stated in Section 2.06.01.C1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

D. Stage IV Conservation.

- 1. In addition to the water conservation measures established in Stages I, II, and III above, upon a determination of the Board of Directors that there exists, rainfall total as of March 31st: less than or equal to twenty-six (26) inches for over two (2) years or less than or equal to thirty-eight (38) inches over three (3) years or fifty-one (51) inches over four (4) years, or sixty-four (64) inches over five (5) years, or chloride triggers at 8th Street or 10th Street wells is equal to 250 mg/L, or TDS triggers at 8th Street or 10th Street wells is equal to 850 mg/L the following measures shall take effect:
  - (a) Each residential unit shall be limited to 135 gallons per day per household or 45 gallons per day per occupant based on the information on the Occupancy Form on file with the District.
  - (b) Commercial allocation will be set at 10% below baseline.
  - (c) Penalties up to four (4) times established rate may be applied.
  - (d) No allocations may be transferred to another property.
- 2. In addition to those measures stated in Section 2.06.01.D1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

E. Stage V Conservation.

- 1. In addition to the water conservation measures established in Stages I, II, III and IV above, upon a determination of the Board of Directors that there exists, rainfall total as of March 31st: less than or equal to seventeen (17) inches for over two (2) years or equal than or equal to twenty-six (26) in. over three (3) yrs. or thirty-four (34) inches over four (4) years ~~or forty-three (43) inches~~ over five (5) years or chloride triggers at 8th Street or 10th Street wells is equal to 500 mg/L, or TDS triggers at 8th Street or 10th Street wells is equal to 1,000 mg/L the following measures shall take effect:

- (a) Each residential unit shall be limited to 126 gallons per day per household or 42 gallons per day per occupant based on the information on the Occupancy Form on file with the District.
- (b) Penalties up to four (4) times established rate may be applied.
- (c) Commercial allocation will be set at 15% below baseline.
- (d) Penalties up to four (4) times established rate may be applied.
- (e) No allocations may be transferred to another property.

2. In addition to those measures stated in Section 2.06.01.E1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

2.06.02 Water Shortage Contingency Stages Implementation

- A. Stage I – Alert
  - 1. Customers affected are residential only
- B. Stage II – Warning
  - 1. Customers affected are residential only
- C. Stage III – Emergency
  - 1. Customers affected are residential only
- D. Stage IV – Severe
  - 1. Customers affected are residential and commercial
- E. Stage V – Critical
  - 1. All customer classifications are affected

2.06.03 Water-Saving Devices

- A. All customers are encouraged to install and use the following water conservation devices:
  - 1. Low flush toilets 1.6 gallons per flush or less;
  - 2. Low flow shower heads 2.0 gallons per minutes or less; and
  - 3. Drip irrigation.

2.06.04 Violation and Enforcement. The following apply to persons violating the provisions of District's water conservation and emergency water shortage regulations.

- A. First Violation. A copy of the notice will be left with someone at the residence or establishment, or left in a conspicuous place, at the time the violation is observed.
- B. Second Violation. A ~~twenty~~-~~twenty~~-five dollar (\$25.00) surcharge, in addition to any other penalties or fees owing, shall be assessed to the account of the violator, and a copy of the violation notice will be sent to the address of the violator ~~by certified mail with delivery confirmation, return receipt requested,~~ with a letter explaining the gravity of the situation and the penalties for future violations.
- C. Third Violation. A two hundred and fifty dollar (\$250.00) surcharge, in addition to any other penalties or fees owing, shall be assessed to the account of the violator, and a one-gallon per minute flow restriction will be installed at the violator's meter and left in place for seventy-two (72) hours. Installation and removal charges shall be established by District resolution and shall be assessed to the account of the violator.
- D. Fourth Violation. The water meter will be removed from the premises of the violator. The meter will be reinstalled, on conditions set by the District, after the payment of District reconnection charges and the payment of all other charges, surcharges and penalties owing.

2.06.05 Review and Appeals

Any person who disputes the application of these Water Conservation Regulations may seek review under the following procedures:

- A. Dispute Resolution Hearings shall be conducted by the General Manager or his/her designee on the following terms and conditions:
  - 1. The applicant shall request in writing a hearing within ten (10) days of the event giving rise to the dispute.
  - 2. All fines, penalties, surcharges, and service charges shall be deposited with the District.
  - 3. The hearing shall be conducted at a mutually acceptable time, as soon as practical.
  - 4. The General Manager shall consider the evidence presented at the hearing and is authorized to render a decision in his/her discretion that is consistent with the conservation measures established in Section 2.06.01 above.
- B. Appeals: The decision of the General Manager may be appealed by making written application to the Board of Directors, in care of the General Manager, within five (5) business days of the General Manager's decision. The appeal to the Board of Directors will be held under the procedures established in Sections 1.02.03.A and 1.02.03 of this Ordinance.

C. Judicial review of the decision of the Board of Directors shall be pursuant to Chapter I, Section 1.02.04 of this Ordinance.

Chapter 2.07 Design and Construction (Adopted 1/4/01)

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2.07.01 Plans and Specifications

- A. Water system improvement plans and specifications shall be prepared by a California registered civil engineer.
- B. Water system improvements shall be designed and constructed in conformance with the ~~"District Specifications and Drawings"~~ [County of San Luis Obispo Public Improvement Standards](#).
- C. The District General Manager may require an applicant to enter into a plan check and inspection agreement.
- D. The District's administrative costs referenced in the plan check and inspection agreement shall be paid by the Applicant. Such fees shall be established by separate agreement or resolution of the Board of Directors.

## TITLE 2

### Chapter 2.01 General Regulations and Procedures Pertaining to District Water Service (Adopted 1/4/01)

#### 2.01.01 Purpose and Scope

This section sets forth the rates, charges, rules, regulations and procedures governing the use of the District's water facilities.

- 2.01.02 Application for Regular Service
- A. Regular Service. Application for regular service shall be made, in writing, by the property owner, tenant or a bona fide nonresident property manager (authorized agent), on an application form provided by the District. All applications shall include a service Activation Fee as established in the District's Master Fee Schedule and payment of accrued fees and charges, if applicable.
  - B. Temporary Service (This section repealed on April 2, 2021)

#### 2.01.03 Commencement of District Billing

- A. The District shall commence billing for water service for new connections beginning on the date when the meter is installed.
- B. The District shall install the meter when all activation fees are paid.

#### 2.01.04 District Billing Procedure

- A. Except as provided in Subsection 2.01.04 B below, water meters are to be read and statements for water are to be mailed once every two months.
- B. The General Manager, at his/her discretion, may cause a meter reading to be made at any time; and thereafter bill the customer for water used since the previous reading.
- C. Meters will be read, as nearly as possible, on the same day of the month as determined by the District.
- D. Water charges will appear on the bill for the address where services are being provided.
- E. All billing statements shall be mailed to the person designated in the application. If the person designated in the application is other than the owner of the property, then, the owner information must be provided to the District at the time of application.
- F. All fees and charges become due and payable prior to the finalizing of the account. The due date for Final Bills is 10 days after it is generated.

## 2.01.05 Responsibility of Property Owner

The owner of the property, in which services are furnished is the customer and shall be responsible for the payment of all rates, charges and fees, including penalties, thereon regarding such furnished services. Unpaid obligations shall run with the land, shall create a lien on the property, and shall lead to delinquency and termination of service for the property involved without regard to any changes of residency or occupancy by persons different than the persons shown on District records as obligated to pay said bill. Should the owner agree to allow a tenant or other third party ("Third-Party") to be responsible for the payment of rates, charges, fees, and penalties, the District will accommodate the billing to Third-Party, however, the owner remains ultimately responsible and subject to this section 2.01.05 of Title 2. The District will use commercially reasonable efforts to keep the owner informed if the Third-Party billing becomes delinquent, however, the District assumes no responsibility should the owner delegate payment obligations to a Third-Party. At any time, based upon reasonable grounds for uncertainty, the District may place the billing back into the name of the owner and bill the owner directly and not the Third-Party.

## 2.01.06 Delinquent Accounts

Accounts not collected within twenty-five days of billing, are delinquent. Delinquent accounts shall incur a fee adopted by District Resolution.

## 2.01.07 Discontinuance of Service.

- A. Water service may be discontinued for any one of the following reasons:
1. Delinquency, in the payment of any water service rate or charge except that residential service shall not be discontinued for nonpayment in any of the following situations:
    - a. During the pendency of any investigation by the District of a customer dispute or complaint.
    - b. When a customer has been granted an extension of the period for payment of a bill respecting water service.
    - c. When a customer is willing to enter into an amortization agreement.
    - d. On the certification of a licensed physician or surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into a amortization agreement with the District and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.

- e. The customer can demonstrate that he or she is unable to financially pay for residential service during the Districts normal billing cycle. The customer may prove that they are financially unable to pay for residential service during the Districts normal billing cycle if any member of the household is a current recipient of financial assistance programs such as Cal WORKS, Medi-Cal or other general assistance programs.
  - f. The customer can declare and demonstrate that the household's annual income is less than 200% of the federal poverty level.
2. The unauthorized taking of water.
  3. Failure of the customer to maintain his facilities in a suitable condition to prevent waste of water.
  4. The existence of any unprotected cross connections on the customer's premises or the lack of adequate backflow protection at the service connection.
  5. To protect the District against fraud or abuse.
  6. Any violation by the customer of any rules, regulations or fees of the District governing water service.
- B. Commencing at eight a.m. the day following the due date stated on the door hanger, a lock out / reactivation fee as established by District resolution will be charged to the account. Further, a work order may be generated to discontinue service for failure to make payment, pursuant to Section 2.01.07A above
  - C. Ten days after the District initiates a work order to discontinue service pursuant to Section 2.01.07B, above, the service shall be considered permanently discontinued and the account will be finalized.
  - D. Services discontinued pursuant to this Section shall not be restored until all fees and charges are paid in full.

2.01.08 Notice of Discontinuance of Residential Service for Nonpayment

- A. At least seven (7) days before any proposed discontinuance of residential water service for nonpayment of a delinquent account respecting such service, the District shall contact the customer by telephone or deliver a Lockout notice, to the customer or occupant to whom the service is billed of the proposed discontinuance. The notice shall include the information as described in section 2.01.08 B

If the District makes contact with the customer by telephone, they must provide the customer with information on how to obtain the District policy on

discontinuation of service. The district shall also inform the customer of the option to request amortization of the unpaid balance.

If the customers address is not the address of the property to which discontinuance of service will occur, the District will mail a notice, postage pre-paid to the customers billing address.

In addition to the seven (7) day notice provided for in the preceding paragraphs, the District shall make a reasonable attempt to contact any adult person residing at the premises of the customer by telephone or personal contact at least forty-eight (48) hours prior to any discontinuance of service, except that, whenever telephone or personal contact cannot be accomplished, the District shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of disconnection of service, at least forty-eight (48) hours prior to disconnection

- B. Every Lock Out Notice of service required by this section shall include all of the following information:
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 discontinuance;
  4. The procedure for the customer to obtain information by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for service contains a description of that procedure;
  5. The procedure for the customer to obtain information on the availability to request amortization on the amount of delinquency; and
  6. The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

#### 2.01.09 Notice of Discontinuance of Service with a Landlord-Tenant Relationship to Multi-unit Residential Structures or a Detached Single-Family Dwelling

Whenever the District furnishes water through a master meter, or furnishes individually metered service in a multi-unit residential structured, mobile home park, or farm labor camp, the District will give the following notices prior to discontinuing service:

- A. Notify the owner of the property pursuant to Section 2.01.08 above; and
- B. Make every good faith effort to inform the actual users of the service, when the account is in arrears by means of a notice that service will be terminated in seven (7) days. Said notice will comply with Government Code Section 60371.

- C. The notice of discontinuance shall further inform the residents 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.
- D. The District is not required to make service available to the residents unless each occupant agrees to the terms and conditions of service and meets the requirements of the District policies. However, if one or more of the residents are willing to assume the 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 residents who have not met the requirements of the District, the District shall make service available to those residents who have met the requirements.
- E. In the case of a detached single-family dwelling, the district shall give notice of termination, to the residents, at least seven (7) days prior to the proposed shutoff. In order for the amount due on the delinquent account to be waived, the District will require the resident who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager or agent of the dwelling.

#### 2.01.10 Discontinuance of Non-Residential Services for Nonpayment.

At least seven (7) days before discontinuing nonresidential water service, the District shall provide a written notice to the customer. The notice shall specify the reason for the proposed discontinuance and inform the customer of the opportunity to discuss the reason for the proposed discontinuance with the General Manager, or his/her designee. The General Manager or his/her designee is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the General Manager, or his or her designee, shall be included in any such notice of proposed discontinuance given to a non-residential customer.

#### 2.01.11 Discontinuance of Service on Weekends, Holidays or After Hours.

District Services will not be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

#### 2.01.12 Investigation and Amortization of Delinquent Bill for Residential Water Service.

- A. The General Manager, or his/her designee, is hereby authorized to investigate complaints and review disputes pertaining to any matters for which water service may be discontinued and to rectify errors and settle controversies pertaining to such disputes.
- B. Every complaint or request for investigation by a residential customer that is made within five (5) days of receiving the disputed bill for water service, and every request by a residential customer that is made within thirteen (13) days of

the mailing of the notice required by Section 2.01.08 for an extension of the payment period of such a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the General Manager, or his/her designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the amount over a reasonable period of time, not to exceed twelve (12) months. The District will permit only one (1) amortization agreement per eighteen (18) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the General Manager, or his or her designee, may appeal the determination to the Board of Directors.

2.01.13 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement

If an amortization agreement is authorized, no discontinuance of water service shall be affected for any residential customer complying with such agreement, providing the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the District shall not discontinue service without giving notice to the customer at least forty-eight (48) hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance. The notice does not entitle the customer to further investigation by the District.

2.01.14 Public Nuisance, Abatement

During any period of non-connection or disconnection of water service, habitation of premises by human beings shall constitute a public nuisance, whereupon the District may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. The District may request the County Health Officer to commence proceedings to be brought for the abatement of the occupancy of the premises by human beings. In such event, and as a condition of reconnection, there shall be paid to the District a reasonable attorney's fee and costs of suit arising in said action.

2.01.15 Partial Payment Spread

In the case of partial payment by a customer, the payment will be applied to the account in the following order:

- A. Penalties and restoration charges;
- B. Late charge;
- C. Water charge.

#### 2.01.16 Returned Checks

A charge, as established by District Resolution, will be charged against any person whose check or ACH is returned by the bank due to lack of funds. Returned checks and ACH's are processed as delinquent payments for purposes of applying Section 2.01.07.

#### 2.01.17 District Posting of Delinquent Accounts and District Policy Availability

The District will be required, annually, to post the number of times the District has discontinued services, due to inability to pay, of its customer. These figures will be reported to the Board of Directors, prior to posting on the Districts website.

The District policy for discontinuance of service will be made available to customers, as requested. The policy will be available for pickup at the District offices and available for electronic review on the District website, [www.lososocsd.org](http://www.lososocsd.org). If the policy is needed in an alternate language, other than English, the District will make it available as well.

#### 2.01.18 Meter Malfunction

- A. A customer who questions the accuracy of a meter serving his premises may request a test of its registration. A water meter flow test fee, as adopted by District Resolution, shall be required in advance when a test is requested.
- B. If a meter is found to over register more than 5%, the District shall return the charge for the test and the customer shall be entitled to a refund based on adjustment made by the District Manager. Such adjustment shall be calculated by taking the difference between the normal use and the incorrect reading. In no case shall refunds cover more than two consecutive months prior to the discovery of meter malfunction.
- C. When a meter is found to under register by more than 5%, the charge for water will be based, at the option of the District, either on previous consumption for the same period in the preceding year during which the meter is known to have registered correctly, or on the consumption as registered by a "substitute meter".

#### 2.01.19 Tampering

- D. No person, other than an authorized District employee, shall at any time or in any manner, operate, or cause to be operated, any valve in or connected to a water main, service connection or fire hydrant, or tamper or otherwise interfere with any water meter, meter valve, backflow prevention device, detector check valve, or other part of the District's water system.
- E. In addition to other District rights and charges, a charge as established by District Resolution, will be charged to the customer in all situations where a person has tampered with District services or privately restores water service without District permission. Such fee shall be added to any and all water bills for the property or units affected by the illegal water tampering.

- F. If a person's actions result in damage to the District's water system or water system related appurtenance, the cost of repair and/or replacement will be charged to the customer.
- G. Staff shall prepare and keep complete and accurate records concerning tampering with District's service systems. The District Manager shall review such records and shall decide appropriate legal action to be taken by the District. If there is more than one such tampering violation for the same property within any five-year period, the Board shall hold a public hearing to consider permanent disconnection of water service to the property, or such other remedies as the Board deems appropriate.

2.01.20 District Rates, Charges and Fees

- A. Water rates, charges and fees:

Water rates are set forth in Appendix A.

2.01.21 Utility Billing Adjustments (Adopted 04/02/2020)

- A. The District's Board of Directors shall adopt, by resolution, utility billing adjustment policies and procedures.

## Chapter 2.02 Water System Generally (Adopted 1/4/01)

### 2.02.01 Applicability

The rates and regulations set forth herein pertain to service to lands and/or improvements lying within the boundaries of the District. Service to lands outside the District shall be only on terms and conditions established by the Board of Directors respecting the particular service involved.

### 2.02.02 Service Connections

- A. Each house or building under separate ownership or capable of separate ownership shall be provided with its own service connection or connections.
- B. Two (2) or more houses or buildings (such as apartments) under one (1) ownership and located on the same lot or parcel of land may be supplied through one (1) service connection.
- C. When a parcel or building receiving water service through one connection is subdivided into smaller lots, parcels or units, capable of separate ownership, then the existing service connection shall be deemed appurtenant to the parcel or building until upon which it is situated or most immediately adjacent.
- D. The District reserves the right to limit the number of houses or buildings, or the area of the land under one (1) ownership to be supplied by one service connection.
- E. A service connection shall not be used to supply adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley.
- F. All service connections to be constructed in accordance to "Section 6 of the County of San Luis Obispo's Public Improvement Standards and the District's Standard Specifications for Metering as amended from time to time.

### 2.02.03 Landscape Irrigation Connections

Except for connection to a single-family residence, a separate service connection with back-flow prevention device shall be provided to each parcel of property for landscape irrigation in accordance with Section 6 of the County of San Luis Obispo's Public Improvement Standards. A separate Landscape Connection Fee shall be computed pursuant to Section 2.02.05, and paid.

### 2.02.04 Meter Size

- A. The water meter size for each service connection shall be determined by the District's Standard Specifications for metering and pursuant to the Uniform Plumbing Code.

## 2.02.05 System Fees

- A. All New Development Fees will be set by Resolution of the Board of Directors. New connections shall be subject to system fees and charges based on the estimated reasonable cost of the District facilities and services required to provide water. The fees shall consist of six (6) component parts as follows (capacity charge, meter set fee, water service connection fee, meter fee, account set-up fee and supplemental charge (if applicable)). Said fees are set forth in Appendix A to this Ordinance.
- B. Supplemental Charge.
  - 1. When a new service is connected to a District installed water line, the applicant shall be charged a front footage fee as established by District Resolution for each parcel fronting the water line or one-half the amount when District service can be provided on both sides of the water line. Where the frontage has been subdivided, rear and front parcels shall share on a per parcel basis the frontage of the subdivision creating the parcels.
  - 2. When a new service is connected to a developer-installed water line, the applicant shall pay a supplemental charge pursuant to that reimbursement agreement established under to Chapter 2.04 below.
- C. The water service connection fee, meter set fee, meter fee, and account set-up fee shall be adopted by District- Resolution.
- D. Payment of System Fees. The applicant shall pay all system fees prior to the District's issuance of a will-serve letter. The District shall not provide service until all fees are paid in full and the project (if applicable) is accepted by the District.

## 2.02.06 Resale of Water

No person shall resell any water received from the District to any other person, or for use on any other premises, or for any other purposes than specified in the application for service.

## 2.02.07 Cross-connection Devices and Special Facilities

- A. Cross-connection Devices: Where conditions, as set forth the County of San Luis Obispo's Title 8.30, require a cross-connection device, the District shall be notified of the installation and verification of inspection before being placed in service.
- B. Pressure Regulators and Special Facilities: Where the conditions of service are such that a pressure regulator or other special facility, including but not limited to booster pumps, are required, the customer shall provide, install and maintain the necessary equipment.

## 2.02.08 Change in Size of Service

When a change in use of a building, premises or an area to be served, causes an increase in water use that exceeds the meter size, then new water meter and service shall be required or water service may be terminated. When a change in size of service is required, the following provisions shall apply:

- A. Replace Smaller Meter with Larger Meter. The customer shall pay the applicable system fees required for the larger meter.
- B. Replace Larger Meter with Smaller Meter. The customer shall pay the applicable system fees required for the smaller meter.

## 2.02.09 Service Facilities - Ownership

### A. District-Installed Facilities

- 1. All water service pipes and equipment required to serve a customer up to and including the meter shall be owned by the District, whether installed:
  - (a) On a public or private property; or
  - (b) At applicant's or District's expense.
- 2. District equipment required for service which is installed on a customer's premises may be repaired, replaced or removed by the District. Authorized representatives of the District shall have the right of access to such equipment for any purpose reasonably connected with furnishing service.
- 3. The customer shall exercise care to prevent damage to or interference with the operation or servicing of District equipment. The customer shall be liable for maintaining vegetation and overgrown brush around the meter box. Clearing around the meter of 1.5 feet in all horizontal directions and 5 feet vertical clearance is sufficient. The District will notify the customer by mail, door hanger or phone communication of the violation, and allow thirty 30 days for the violation to be corrected. If the customer fails to comply, fees will be imposed for District time and materials spent to complete the work of clearing the area around the meter box. The customer shall be liable for any damage to District-owned meters, locks or other equipment, which is caused by himself or his tenants, agents, employees, contractors, licensees or permittees, and must promptly reimburse the District on presentation of a bill for any such damage.

### B. Customer Installed Facilities.

- 1. Pressure regulators, backflow prevention devices, customer service lines, and other special facilities beyond the meter are owned by the customer, and their proper operation and maintenance are the responsibility of the

customer. District regulations relating to assurances regarding proper operation of such facilities are set forth in Sections 2.02.13 and 2.02.14 below.

2. Under special conditions and with the consent of the Board, the customer may furnish and install the required meter installation to the specifications in Section 6 of the County of San Luis Obispo's Public Improvement Standards and the District's Standard Specifications for Metering at their expense (in lieu of Payment to the District or the established connection fee). Under such circumstances, the customer shall be required to pay to the District the costs of engineering and inspection services occasioned by such installation. Such customer-installed facilities between the District pipeline and the customer's side of the meter normally shall become the property of the District and shall thereafter be maintained by the District; provided, that where meters have been provided by a water agency customer of the District in connection with related features of its water system and it is deemed impracticable for the District to maintain the meter, then the customer shall retain ownership of such meter and shall maintain it in proper working condition. The District shall have the right to require the customer to test such meters for accuracy at reasonable intervals and shall have access to such meters for inspection, testing, and meter reading purposes.

#### 2.02.10 Public and Private Fire Services

- A. Public Fire Service. The District may enter into contracts for fire hydrants and the supplying of water for fire protection use to any other District, public agency, or municipality located within the District under such terms and conditions as may be mutually acceptable to the District and the agency.
- B. Private Fire Service. The District will not make the decision requiring the customer to install private fire sprinkler systems, this determination will be made by San Luis Obispo County. The fire sprinkler systems will be installed after the meter connection, on the customer service line. If it is determined an upgrade in service line or meter size is needed to properly operate the fire sprinkler system, the customer will be responsible for paying the costs associated with the upgrade in service, and also in accordance with Section 2.02.08, above.

#### 2.02.11 Distribution Facilities

All District facilities shall be installed in accordance with "County of San Luis Obispo Public Improvement Standards. The initial minimum water main size shall be eight (8) inches in diameter. Future main sizes shall be established in the San Luis Obispo Public Improvement Standards

#### 2.02.12 Water Supply and Interruption of Service

The District will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water at the meter. The District, however, shall not be liable for

interruption of service or shortage or insufficiency of supply or for any loss or damage occasioned thereby. For the purpose of making repairs or installing improvements to the system, the District shall have the right to temporarily suspend the delivery of water. The customer shall be notified in advance of such action, except in cases of emergency. Repairs or improvements will be performed as rapidly as may be practicable and so far as possible at times which will cause the least inconvenience to the customers concerned. The District shall not be liable for any loss or damage occasioned by such suspension of service.

#### 2.02.13 Water Receiving Equipment - - Responsibility

- A. The customer shall be responsible for connecting his pipeline to the District's meter. The customer shall furnish and install at his own risk and expense that portion of the water system which begins at the outlet side of the meter. Such water receiving equipment shall remain the property of the customer and they shall be responsible for its maintenance and repair. The District shall have the right to require the customer to adjust, replace or discontinue using any water receiving or regulating equipment on his side of the meter which disturbs or inconveniences other customers.
- B. Where reduced or increased pressure is desired by the customer, he shall be responsible for installing and maintaining the necessary regulator pumps and relief valves. In such cases, the equipment shall be installed on the customer's side of the meter at the customer's expense.
- C. The District shall not be responsible for any loss or damage caused by the negligence, want of proper care, or wrongful act of the customer or any of customer's tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with any water receiving equipment. Furthermore, the District shall not be responsible for damage caused by faucets, valves and other equipment which may be open at any time that water is turned on at the meter.

#### 2.02.14 Protection of Public Water Supply

- A. In making plumbing connections, the customer is required to comply with the regulations of the California State Water Resources Control Board and the United States Public Health Service, and in accordance with the County of San Luis Obispo's Title 8.30. Such regulations prohibit:
  - 1. Unprotected cross-connections between a public water supply and any unapproved source of water; and
  - 2. Unprotected water service connections to premises where there is a possibility of contaminated water backflowing into the public water system.
- B. The District requires the installation of approved cross-connection device at the expense of the customer before granting or continuing service under such conditions as the following:

1. Where another source of water is in use or is available for use; and
  2. Where contaminated liquid or soluble substances of any kind are used, produced or processed.
- C. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him at his expense when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.
- D. The regulations of the California State Water Resources Control Board also require that the owner of any premises on or for which check valves or other protective devices are installed shall inspect these devices for water tightness and reliability at least once per year. All defective devices shall be serviced, overhauled, or replaced at customer's expense. A written report on this annual inspection shall be made available to the District.
- E. No person shall attach any ground wire to plumbing which is or may be connected to District service equipment. The District shall hold such persons liable for any damage to District property resulting from a ground wire attachment.

#### 2.02.15 Main Line Extensions and Construction of District Facilities

- A. All main extensions required to be constructed as a condition of service shall be constructed to and across the front footage of the customer's parcel. Special provisions may be required for a corner lot or for other irregular shaped lots and shall be determined by the General Manager.
- B. All main extensions and other District facilities shall be constructed by licensed contractors in accordance with County of San Luis Obispo's Public Improvement Standards. The District may require the applicant to enter into a District Facilities Plan Check and Inspection Agreement. When applicable, the applicant may be entitled to reimbursement pursuant to Chapter 2.04 below.

#### 2.02.16 Right of Entry or Access

Authorized inspectors, agents and employees of the District who are furnished with, carry and upon request display appropriate evidence of identification, may enter upon the private property of any person within the jurisdiction of the District in order to investigate possible violations of an ordinance of the District that has been adopted in order for the District to carry out only the purposes specified in subdivision (a) or (b) of Section 61600 of the Government Code. The investigation shall be made with the consent of the owner or tenant of the property or, if consent is not given, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, except that, notwithstanding Section 1822.52 of the Code of Civil Procedure, the warrant shall be issued only upon probable cause.

2.02.17 General Prohibition

No person shall make, permit, approve, or allow any water connections and/or extensions contrary to this Ordinance, other District Rules and Regulations, and the District's Specifications and Drawings.

Chapter 2.03 Sewer System Generally

(This section was repealed on May 3, 2018)

## Chapter 2.04 Reimbursement Agreements (Adopted 1/4/01)

### 2.04.01 Purpose and Applicability

- A. This Section is intended to provide an equitable procedure for at least partial reimbursement to private parties who construct and dedicate District facilities to serve their private property if such facilities are also used, thereafter, to directly serve and benefit private property owned by others.
- B. Whenever an applicant is required, as a condition of development, to construct and install any District water facilities which will be dedicated to the District and which has the future potential and capacity to provide service to real property parcels not under the control or ownership of the applicant the future reimbursement provisions of this Section shall apply unless the District specifically provides otherwise by Ordinance or resolution.

### 2.04.02 Reimbursement of Excess Costs

- A. Excess costs equal the sum of the following:
  - 1. Over-sizing: The difference between the estimated cost of installing the size of line required to serve Applicant's needs pursuant to County of San Luis Obispo Public Improvement Standards and the actual cost of installing a larger line at the direction of the District.
  - 2. Off-Site Development: A pro-rata share of the total cost of installing District facilities and appurtenances at the direction of the District computed on the estimated use by the Applicant and the probably future use by connectors other than Applicant.
- B. Approval of Excess Costs: District shall have the right to audit the excess costs submitted by Applicant, and to approve for reimbursement only so much thereof it determines to be just and reasonable. Such excess cost, if any, shall be computed when said facilities are completed by Applicant and accepted by District, and said costs shall be paid as provided in the Reimbursement Agreement.

### 2.04.03 Proration of Costs

- A. The District's Engineer shall prorate the approved excess costs against all lots or parcels which in the future may be served by direct connection thereto. The District shall send written notice of the prorated amount to the person shown on the latest County assessor's roll as the owner or agent of record for assessment purposes for each parcel. Such person may protest the pro-rations in writing within fourteen (14) days after the notice is mailed. If not protested within the fourteen (14) days, the pro-ration shall become final for the purposes of this Section.

- B. A protest shall be concerned only with the division or spread of the actual and necessary construction costs between or among the builder's property and all other properties to be included in the area subject to the pro-ration procedure. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of actual cost information as presented by the Applicant or his agent to the District's Engineer.
- C. The District's Board of Directors shall hold a public hearing to consider all such written protests. All evidence in support of the protest shall be submitted in writing to the District at least ten (10) days before the meeting. The Engineer shall prepare a written report and recommendation to the Board on each protest. A copy of the Engineer's report shall be mailed, or otherwise delivered, to the concerned protester at least five (5) days before the board meeting to consider the protest.
- D. The Board's decision on the protest shall be in writing, and shall be final. If the Board's decision results in an increased pro-ration amount for properties owned by anyone other than the protester or the Applicant, a new notice and a new fourteen (14) day period shall be given for each such property.
- E. If no protest is filed for a property within the fourteen (14) day period after the first or any subsequent notice of prorated amount is mailed for that property, the pro-ration shall become final as to the property.

#### 2.04.04 Ten-Year Repayment Obligation

For a period of ten (10) years from the date of official acceptance of any such facility, the subdivider shall be eligible for reimbursement of the foregoing prorated amount from each parcel as the parcel, or portion thereof, connects to the facility.

#### 2.04.05 District to Serve as Collection Agency

The District shall collect the prorated amount for each parcel before permitting the parcel to connect to the facility. It is the duty of the applicant to keep a current address on file with the District. Reimbursement amounts returned to the District and unclaimed after one year shall become the property of the District.

#### 2.04.06 District Administrative Costs

As partial reimbursement to the District for its administrative and engineering costs associated with calculating reimbursement amounts, plus record keeping, collection and disbursement activities, the District shall charge, deduct and retain the percentage established as District overhead in the District's Cost Recovery Ordinance of all reimbursement amounts collected from subsequent builders.

2.04.07 District Connections

- A. The District may make connections to the water facilities to serve public facilities without any obligation to pay any such refunds.
- B. The District may also make or permit connections to the facilities to serve private property outside of the area of proration as determined by the Engineer; provided, however, that the District Board of Directors reserves the right to determine at that time whether or not the owners of such private property shall be obligated to reimburse Applicant as provided in this Section.

2.04.08 All Other District Water Charges in Effect

Nothing herein shall be construed or applied to affect or reduce any other District charges, fees, connection or other amounts payable to the District for water service.

2.04.09 District Liability

If for any reason the reimbursable cost is or becomes uncollectible, as determined by the District, the District shall not be liable to the Applicant for the excess costs in constructing the District Facilities.

Chapter 2.05 Fire Hydrants, Use of District Fire Hydrants for Temporary Water Service for Construction and Other Purposes (Adopted 1/4/01)

2.05.01 Fire Hydrants

- A. Use and Damage to Fire Hydrants. It is unlawful for any person other than a Los Osos Community Services District employee or public safety personnel to open any fire hydrant or attempt to draw water from it in any manner without a written permit from the Los Osos Community Services District.
- B. Moving of Fire Hydrants. When a fire hydrant has been installed in a location specified by proper authority, the community services District has fulfilled its obligation. If a property owner or other party desires change in size, type or location of the hydrant, that party shall bear all costs of such change or changes without refund. Any change in the location of a fire hydrant must be approved in writing by the CalFire and the District. Where said approval in writing is provided by the CalFire said permission shall be presented to the District prior to the change in location.
- C. Use of Spanner. It is unlawful to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose.

2.05.02 Unmetered Water—Use Prohibited

- A. No person other than District personnel or public safety personnel in the performance of their duties shall draw or use water from the District's water supply system which has not been delivered through a water meter approved and maintained by the District except as provided in Section 2.05.03 below.

2.05.03 Permits for Temporary Water Service for Construction and Other Purposes

- A. All temporary water service shall be supplied through a fire hydrant designated by the District. A permit for the use of the fire hydrant shall be obtained from the Los Osos Community Services District prior to the use of water from the fire hydrant. The rates for such temporary service shall be established from time to time by resolution of the Board.
- B. A fire hydrant water meter shall be required for all temporary water service. The amount of deposit and rent for a fire hydrant water meter shall be set from time to time by resolution of the Board.
- C. An administrative fee per permit request shall be added to the fees for temporary water service. The administrative fees shall be set from time to time by resolution of the Board.

Any temporary water service connection used for construction or other purposes may be immediately terminated by the District, without prior notice, if such action is necessary to maintain the adequate minimum pressure of the District's distribution system and to protect the quality of the District's water supply.

2.06.01 Water Conservation Stages.

A. Stage I Conservation.

1. Upon a determination by the Board of Directors that there exists rainfall totals as March 31st: less than median of (17inches) for the current year, a target reduction of 5% and the following prohibitions shall take effect for residential customers:
  - (a) All outdoor irrigation of vegetation shall occur only between the hours of dusk and dawn
  - (b) The use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground and other hard-surface areas by direct application shall be prohibited.
  - (c) The use of non-drinking-water fountains, except for those using recirculated water, shall be prohibited.
  - (d) Use of water which results in flooding or run-off in gutters or streets shall be prohibited.
  - (e) Commercial, and Irrigation customers will reduce consumption by 5% on a voluntary basis.
2. In Addition to the prohibitions referenced in Section 2.06.01.A1 above, the Board of Directors will initiate a public information campaign to educate District residents, urging water conservation and showing ways the public can save water.

B. Stage II Conservation.

1. In addition to Stage I conservation measures, upon determination of the Board of Directors that there exists rainfall total as of March 31st: less than or equal to thirty-two (32) inches for over two (2) years or less than or equal to forty-eight (48) inches over three (3) years or sixty-five 65 inches over four (4) years or eighty-one (81) inches over five (5) years, the following measures shall take effect immediately:
  - (a) Each residential unit shall be limited to 174 gallons per day per household or 58 gallons per day per occupant
  - (b) Use of water from fire hydrants shall be limited to fire suppression and/or other activities immediately necessary to maintain health, safety and welfare of residents within the boundaries of the Los Osos Community Services District.

- (c) The use of District potable water for construction projects shall be prohibited.
- (d) The washing of automobiles, trucks, trailers, boats and other types of mobile equipment not occurring upon the immediate premises of a commercial car wash and/or commercial service station shall be prohibited unless residents have an automatic shut-off hose nozzle and do not allow water to run off their property.
- (e) The use of potable water to irrigate lawns, landscape plantings, groundcovers, and shrubs shall be limited to prescribed days and hours. Irrigation shall only occur between dusk and dawn, and shall only occur on Wednesday and Sunday for even numbered addresses, and Tuesday and Saturday for odd numbered addresses. Community recreational facilities shall be exempt from this prohibition.
- (f) Water main flushing shall only occur in emergency situations as declared by the District General Manager.

- 2. In addition to those measures stated in 2.06.01.B1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

C. Stage III Conservation.

- 1. In addition to the water conservation measures established in Stage I and Stage II above, upon a determination of the Board of Directors that there exists, rainfall total as of March 31 is: less than or equal to 29 inches for over two (2) years or less than or equal to forty-three (43) inches over three (3) years or fifty-eight (58) inches over four (4) years or seventy-two (72) inches over five (5) years, or chloride triggers at 8<sup>th</sup> Street or 10<sup>th</sup> Street wells is equal to 150 milligrams per liter (mg/L), or Total Dissolved Solids (TDS) triggers at 8<sup>th</sup> Street or 10<sup>th</sup> Street wells is equal to 700 mg/L the following measures shall take effect:
  - (a) Each residential unit shall be limited to 150 gallons per day per household or 50 gallons per day per occupant based on the information on the Occupancy Form on file with the District.
  - (b) Each commercial customer shall be limited the amount in section 2.06.C.1(a) above or the water shortage contingency rate adopted by the Board of Directors.
  - (c) Irrigation of community recreational facilities and residential edible crops shall be exempt from this prohibition.
  - (d) Penalties up to two (2) times the established rate for usage above allocation, may be applied. District will notify customer of usage

above allocation, if the customer fails to modify usage, penalties may be applied.

- (e) No new intent-to-serve applications will be considered.
- (f) No allocations may be transferred to another property.

- 2. In addition to those measures stated in Section 2.06.01.C1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

D. Stage IV Conservation.

- 1. In addition to the water conservation measures established in Stages I, II, and III above, upon a determination of the Board of Directors that there exists, rainfall total as of March 31st: less than or equal to twenty-six (26) inches for over two (2) years or less than or equal to thirty-eight (38) inches over three (3) years or fifty-one (51) inches over four (4) years, or sixty-four (64) inches over five (5) years, or chloride triggers at 8th Street or 10th Street wells is equal to 250 mg/L, or TDS triggers at 8th Street or 10th Street wells is equal to 850 mg/L the following measures shall take effect:
  - (a) Each residential unit shall be limited to 135 gallons per day per household or 45 gallons per day per occupant based on the information on the Occupancy Form on file with the District.
  - (b) Commercial allocation will be set at 10% below baseline.
  - (c) Penalties up to four (4) times established rate may be applied.
  - (d) No allocations may be transferred to another property.
- 2. In addition to those measures stated in Section 2.06.01.D1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

E. Stage V Conservation.

- 1. In addition to the water conservation measures established in Stages I, II, III and IV above, upon a determination of the Board of Directors that there exists, rainfall total as of March 31st: less than or equal to seventeen (17) inches for over two (2) years or equal than or equal to twenty-six (26) in. over three (3) yrs. or thirty-four (34) inches over four (4) years or forty-three (43) inches over five (5) years or chloride triggers at 8th Street or 10th Street wells is equal to 500 mg/L, or TDS triggers at 8th Street or 10th Street wells is equal to 1,000 mg/L the following measures shall take effect:

- (a) Each residential unit shall be limited to 126 gallons per day per household or 42 gallons per day per occupant based on the information on the Occupancy Form on file with the District.
- (b) Penalties up to four (4) times established rate may be applied.
- (c) Commercial allocation will be set at 15% below baseline.
- (d) Penalties up to four (4) times established rate may be applied.
- (e) No allocations may be transferred to another property.

2. In addition to those measures stated in Section 2.06.01.E1 above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

#### 2.06.02 Water Shortage Contingency Stages Implementation

- A. Stage I – Alert
  - 1. Customers affected are residential only
- B. Stage II – Warning
  - 1. Customers affected are residential only
- C. Stage III – Emergency
  - 1. Customers affected are residential only
- D. Stage IV – Severe
  - 1. Customers affected are residential and commercial
- E. Stage V – Critical
  - 1. All customer classifications are affected

#### 2.06.03 Water-Saving Devices

- A. All customers are encouraged to install and use the following water conservation devices:
  - 1. Low flush toilets 1.6 gallons per flush or less;
  - 2. Low flow shower heads 2.0 gallons per minutes or less; and
  - 3. Drip irrigation.

2.06.04 Violation and Enforcement. The following apply to persons violating the provisions of District’s water conservation and emergency water shortage regulations.

- A. First Violation. A copy of the notice will be left with someone at the residence or establishment, or left in a conspicuous place, at the time the violation is observed.
- B. Second Violation. A twenty-five dollar (\$25.00) surcharge, in addition to any other penalties or fees owing, shall be assessed to the account of the violator, and a copy of the violation notice will be sent to the address of the violator with delivery confirmation, with a letter explaining the gravity of the situation and the penalties for future violations.
- C. Third Violation. A two hundred and fifty dollar (\$250.00) surcharge, in addition to any other penalties or fees owing, shall be assessed to the account of the violator, and a one-gallon per minute flow restriction will be installed at the violator's meter and left in place for seventy-two (72) hours. Installation and removal charges shall be established by District resolution and shall be assessed to the account of the violator.
- D. Fourth Violation. The water meter will be removed from the premises of the violator. The meter will be reinstalled, on conditions set by the District, after the payment of District reconnection charges and the payment of all other charges, surcharges and penalties owing.

#### 2.06.05 Review and Appeals

Any person who disputes the application of these Water Conservation Regulations may seek review under the following procedures:

- A. Dispute Resolution Hearings shall be conducted by the General Manager or his/her designee on the following terms and conditions:
  - 1. The applicant shall request in writing a hearing within ten (10) days of the event giving rise to the dispute.
  - 2. All fines, penalties, surcharges, and service charges shall be deposited with the District.
  - 3. The hearing shall be conducted at a mutually acceptable time, as soon as practical.
  - 4. The General Manager shall consider the evidence presented at the hearing and is authorized to render a decision in his/her discretion that is consistent with the conservation measures established in Section 2.06.01 above.
- B. Appeals: The decision of the General Manager may be appealed by making written application to the Board of Directors, in care of the General Manager, within five (5) business days of the General Manager's decision. The appeal to the Board of Directors will be held under the procedures established in Sections 1.02.03.A and 1.02.03 of this Ordinance.

- C. Judicial review of the decision of the Board of Directors shall be pursuant to Chapter I, Section 1.02.04 of this Ordinance.

2.07.01 Plans and Specifications

- A. Water system improvement plans and specifications shall be prepared by a California registered civil engineer.
- B. Water system improvements shall be designed and constructed in conformance with the County of San Luis Obispo Public Improvement Standards.
- C. The District General Manager may require an applicant to enter into a plan check and inspection agreement.
- D. The District's administrative costs referenced in the plan check and inspection agreement shall be paid by the Applicant. Such fees shall be established by separate agreement or resolution of the Board of Directors.