

TITLE 2

Chapter 2.01 General Regulations and Procedures Pertaining to District Water and Sewer 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 and the District's sewer facilities (when constructed).

2.01.02 Application for Regular Service

A. Regular Service. Application for regular service shall be made, in writing, by the property owner 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.

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. (b) A \$10 temporary application fee;
- c. (c) A service activation fee as established in the District's Master Fee Schedule;
- d. (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 and sewer service for new connections beginning on the date when the meter is installed.

B. The District shall commence billing for water service and sewer 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 and sewer services 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 and sewer 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. Where both water and sewer services are being provided at a given service address, both water and sewer service charges shall appear on one bill which shall contain a separate statement for each service provided. The District will not bill water and sewer service charges separately for service addresses receiving both services.

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, 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.

2.01.05 Responsibility of Property Owner

The owner of the property which is furnished services 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.

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 .

2.01.07 Discontinuance of Service.

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

1. Delinquency, in the payment of any water and/or sewer 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 and/or sewer service.
 - c. 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.
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 and/or sewer service.

B. Commencing at eight a.m. the day following the due date stated in the second notice, 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 ten (10) days before any proposed discontinuance of residential water and/or sewer service for nonpayment of a delinquent account respecting such service, the District shall mail a notice, postage pre-paid, to the customer or occupant to whom the service is billed of the proposed discontinuance. Such notice shall be given not earlier than thirty (30) days from the date of mailing the District's bill for such service and the ten (10) day period shall not commence until five (5) days after the mailing of the notice. In addition to the ten day notice provided for in the preceding sentence, 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 notice of discontinuance 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 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 of financial assistance, including private, local, state or federal sources, if applicable; 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 to Multi-unit Residential Structures

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 ten (10) days. Said notice will comply with Government Code Section 60371.

2.01.10 Discontinuance of Non-Residential Services for Nonpayment.

At least ten (10) days before discontinuing nonresidential water and/or sewer 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 and/or Sewer 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 and/or sewer 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 and/or sewer 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 and/or sewer service shall be effected 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 and/or sewer 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. Sewer charge;
- D. Water charge.

2.01.16 Returned Checks

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

2.01.17 Meter Malfunction

A. A customer who questions the accuracy of a meter serving his premises may request a test of its registration. A testing charge, as established by the District, 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".

2.01.18 Tampering

A. 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 or sewer 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 or sewer system.

B. 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.

C. If a person's actions result in damage to the District's water or sewer systems, the cost of repair and/or replacement will be charged to the customer.

D. 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.

2.01.19 District Rates, Charges and Fees

A. Water rates, charges and fees:

Water rates are set forth in Appendix A (previously adopted by Ordinance No. 2000-03).

B. Sewer rates, charges and fees:

Sewer rates are set forth in Appendix B (to be established at a future date).

2.01.20 Credits for Fixing Water Leak (Adopted 12/4/2014)

A. Application: The General Manager shall make available to any customer an application form that customers can use to apply for a credit. The customer may apply if the current bill is 50% greater than normal usage during the same period the prior year. Prior to being considered for a leak adjustment, the customer must pay an amount equal to the same usage as the previous year or same usage as previous bill if they have not owned the home for a year. The customer may apply if they have experienced a water leak in their service line and can prove that such leak has been promptly corrected. Customer service lines are defined as the line from the water meter on the customer's side to the home. Exemptions from credits include leaks in irrigation systems, toilets, and faucets. The application shall include:

- The date of discovery of the leak;
- The date of repair;
- Evidence such as dated plumbing bills and receipts for materials and supplies related to the leak repair; and
- The signature of the water customer.

B. Process: The General Manager shall review all application forms received by customers. The General Manager shall approve a credit of up to 50% of the differential of the highest billing period invoice during the tenure of the leak and the average of all invoices for said customer over the last twelve-month period if the General Manager, in his/her discretion, finds:

1. The leak was related to a physical break in the customer's service line; and
2. The leak was promptly repaired after the discovery; and
3. The customer has not received an LOCSO water leak credit during the preceding twenty-four (24) month period.

C. Disputes: Any customer that disputes a determination by the General Manager may seek Board of Directors review of said determination by paying the established fee and making written application to the Board of Directors, in care of the General Manager, within ten (10) business days of the General Manager's decision. The decision of the Board of Directors shall be final.

D. All credits are suspended completely if and when the District reaches Stage III of the Water Shortage Contingency Plan.

E. No leak adjustments will be given for incidents due to sewer lateral connection work.

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 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 or more houses or buildings (such as apartments) under one ownership and located on the same lot or parcel of land may be supplied through one 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 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 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 to "District Specifications and Drawings" 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. 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, The water meter size for each service connection shall be determined by the District 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 acre or larger parcel shall be one inch.

2.02.05 System Fees

A. Fees. 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 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 the District's Cost Recovery Ordinance as 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.

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 Devices and Special Facilities

A. Where conditions, as set forth herein require a backflow prevention 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 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. 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 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 specifications at his 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 be 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 may grant applications for private fire service for sprinkler service or private fire hydrants. A detector-check type meter shall be required on all private fire service connections. The customer's installation must be such as to effectively separate the fire system from that of the regular water service system. The required meter installation may be installed by the customer in accordance with plans previously approved by the District or may be constructed by the District at the customer's expense.

2.02.11 Distribution Facilities

All District facilities shall be installed in accordance with "District Specifications and Drawings". The initial minimum water main size shall be eight (8) inches in diameter. Future main sizes shall be established in the 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

A. In making plumbing connections, the customer is required to comply with the regulations of the California State Department of Public Health and the United States Public Health Service. 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 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 State Department of Public Health;
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 Department of Public Health 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" 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 (Adopted 1/4/01)

Until amended by future action of the District, the District adopts and incorporates by reference the Ordinances, Resolutions, Rules and Regulations of the San Luis Obispo County for the sewer systems currently operated by the District.

2.03.01 Owner's Responsibility

A. The property owner will be responsible for all construction, maintenance, improvements and repairs of the sewer lateral, up to and including the wye connection to the sewer main. Laterals shall be maintained by the owner of the property in a safe and sanitary condition; and all devices or safeguards which are required for the operation thereof shall be maintained in a good working order. (Adopted 3/5/2015)

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 or sewer 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 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 mounts 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 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 and sewer 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 and Sewer 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 and sewer 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 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 CDF and the District. Where said approval in writing is provided by the CDF 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 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 1/4/01)

2.06.01 Water Conservation Stages.

A. Stage I Conservation.

1. Upon a determination by the Board of Directors that there exists, or that there is a threat, of a ten percent (10%) shortage in potable water available for distribution, the following prohibitions shall take effect:

(a) All outdoor irrigation of vegetation shall occur only between the hours of 8 p.m. and 7 a.m.

(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.

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 a determination of the Board of Directors that there exists, or there is a threat of, a twenty percent (20%) shortage in potable water available for distribution, the following measures shall take effect immediately:

(a) Each residential unit shall be limited to 1900 cubic feet of water bimonthly (234 gallons per day).

(b) The water rate for water units exceeding 1900 cubic feet bimonthly shall be double the then established District rate.

(c) 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.

(d) The use of District potable water for construction projects shall be prohibited.

(e) 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.

(f) The use of potable water to irrigate grass, lawns, ground cover, shrubbery, crops, vegetation, trees, etc., shall be limited to Saturdays, Mondays and Wednesdays for even numbered addresses and Sundays, Tuesdays and Thursdays for odd numbered addresses, or as otherwise established by resolution of the Board of Directors.

(g) Water main flushing shall only occur in emergency situations as declared by the District 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, or that there is a threat, of a thirty-five percent (35%) shortage in potable water available for distribution, the following measures shall take effect:

(a) Each residential unit shall be limited to one hundred ninety-two (192) gallons per day (1500 cubic feet of water bi-monthly).

(b) Each commercial customer shall be limited to sixty-five percent (65%) of the twelve month average that occurred immediately prior to the Board of Directors' declaring Stage I conservation measures.

(c) Pool covers shall be required for all municipal pools.

(d) The use of potable water to irrigate grass, lawns, ground cover, shrubbery, crops, vegetation, trees, etc., shall be prohibited.

(e) Water rates shall be four times the then established water rate for customers who exceed the limitations established in (a) and (b) above.

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, or that there is a threat of, a fifty percent (50%) shortage in potable water available for distribution, the following measures shall take effect:

(a) Each residential unit shall be limited to one hundred forty-eight (148) gallons per day (1200 cubic feet of water bi-monthly).

(b) Each commercial customer shall be limited to fifty per cent (50%) of the twelve-month average that occurred immediately prior to the Board of Directors' declaring Stage I conservation measures.

(c) Water rates shall be four times the then established

water rate for customers who exceed the limitations established in (a) and (b) above.

(d) New water connections to the District water system shall be prohibited.

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.

2.06.02 Stage Implementation

The water department and General Manager shall monitor the supply and demand on a weekly basis during drought conditions and recommend to the Board of Directors the extent of the conservation required through implementation and/or termination of a particular conservation stage in order for the District to continue to supply adequate water to the customers. Thereafter the Board of Directors may order that the appropriate phase of water conservation be implemented and/or terminated in accordance with the applicable section of this Ordinance.

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 2.5 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 by certified mail, 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)

2.07.01 Plans and Specifications

A. Water and sewer system improvement plans and specifications shall be prepared by a California registered civil engineer.

B. Water and sewer system improvements shall be designed and constructed in conformance with the "District Specifications and Drawings".

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.