

**SIERRAVILLE PUBLIC UTILITY DISTRICT
WATER ORDINANCE 07-10**

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SECTION 1 INTRODUCTION / DEFINITIONS

1.01 PURPOSE

The purpose of this Ordinance is to establish the rules, regulations, and conditions of service for the Sierraville Public Utility District, a public entity referred to as District and/or SPUD herein.

1.02 ENFORCEMENT OF ORDINANCE, RULES, AND REGULATIONS

The Board of Directors is hereby charged with enforcement of the provisions of this Ordinance and Rules and Regulations made pursuant thereto. The Board of Directors shall establish such rules and regulations as may be necessary for the safe, economical, and efficient operation, management, and protection of said District system, and such rules and regulations as may be necessary for the regulation, collection, rebating, and refunding of applicable rates and/or service charges.

1.03 DEFINITIONS

Allowable Use

Allowable use is the amount of water in gallons that can be used without an additional charge for delivery. See EXHIBIT "A", Resolution NO 06-06.

Approved

Accepted by the District as meeting an applicable specification stated or cited in this Ordinance, or as is suitable for the proposed use.

Auxiliary Water Supply

Any water supply available to the premises other than the approved public water supply will be considered an auxiliary water supply. The auxiliary water supply may include another purveyor's public potable water supply, or any natural source such as a well, spring, stream, lake, etc., or reclaimed water.

Backflow

The reversal of the normal flow of water caused by either backpressure or back-siphonage.

Backflow Preventer

An assembly or means designed to prevent backflow.

Backpressure

The presence of a pressure in any portion of the customer's service greater than the pressure at the service connection.

Back siphonage

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source other than its intended source, caused by a reduction of pressure in the potable water supply system.

Blow off

Valved take-off at low points in distribution line.

Booster Pumping Station

Pumping equipment used to increase water system pressure to acceptable levels in a storage area.

Contamination

An impairment of the quality of potable water by sewage, industrial fluids, waste fluids, compounds, or other materials to a degree that creates an actual or potential hazard to the public health.

Cross-Connection

Any physical connection or arrangement or piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur into the potable water system.

Cross-Connection Control

The installation of an approved backflow prevention assembly at the water service connection to any customer's premises.

Curb Stop

The shutoff valve on the service connection at the property line.

Customer

A parcel owner, or the owner's authorized agent, receiving water service from the District.

District Manager

The Manager of SPUD or other persons designated by SPUD's Board of Directors, to perform the Services or to make the determinations permitted or required under this Ordinance.

Distribution System

The network of pipes used to convey water throughout the service area operated by the District.

Equivalent Dwelling Unit (EDU)

A single-family residential unit / the basic unit of service provided. All costs of water delivery are based on EDUs. The number of EDUs assigned to a service unit is governed by meter size, commercial use, residential use, and potential water demands of the customer. SPUDs Board of Directors will be the sole determining authority in assigning the number of EDUs allowable in the District system. The Board of Directors will refer to: **Resolution 98-3**; attachment: **Rate Schedule- Equivalent Dwelling Units**.

Frontage

The length or width in feet applied to a lot based on the benefit received from the abutting water line, as determined by the District.

Hazard, Degree of

The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard - Health

Any condition, device, or practice in the water supply system and its operation that could create, or in the judgment of the District may create, a danger to the health and well-being of the water customers.

Hazard - Plumbing

A plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.

Hazard - Pollution

An actual or potential threat to the physical properties of the water system or to the potability of the public or the customer's potable water system, but that would constitute a nuisance or be esthetically objectionable, or could cause damage to the system or its appurtenance, but would not necessarily be dangerous to health.

Hazard - System

An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination that would have a protracted effect on the quality of the system's potable water.

Licensed Contractor

A contractor having a valid license issued pursuant to Chapter 9, Division 3, of the Business and Professions Code, State of California. The license must include the activities listed on the work contract.

Meter-Read Cycle

The number of days between meter-reads.

Metered Service Connection

The service connection, plus the meter and metered box.

Multi-family Uses

All plumbing fixtures in hotels, motels, condominiums, apartments, townhouses, or duplexes.

New Uses

Any uses incorporated in new construction or added to existing structures through remodeling occurring after the date of this Ordinance adoption.

Parcel

A term used by Sierra County to define and identify land subdivision. A parcel represents a division of land where ownership may be transferred.

Pollution

The presence of any foreign substance (organic, inorganic, or biological) in water that degrades the water quality, constituting a hazard or impairing the water's usefulness.

Potable Water

Any water that, according to recognized standards, is safe for human consumption.

Pressure-Reducing Valve

A valve device regulating water pressure.

Pressure-Relief Valve

A valve device providing relief of surges in the system that come from excessive pressure within or external to the structure.

Public Uses

All plumbing fixtures in commercial or industrial establishments, such as restaurants, bars, public buildings, comfort stations, schools, gymnasiums, or places to which the public is invited or that are frequented by the public without special permission or special invitation, and other places (whether pay or free) where installed fixtures are similarly unrestricted.

Self-Closing Valve

A water valve designed to close by spring or water pressure when left unattended.

Service Connection

The pipeline and other equipment in place necessary to convey water from the District's main to the meter or meter box located on or near the property line, including the tap, corporation stop or shut off valve at the main, service line, curb stop and drain, but not including the meter or meter box.

Service Unit

A service unit is a single-family dwelling or the equivalent of a single-family dwelling. This is the minimum service level.

Single Family Unit

For the purposes of this Ordinance a residential housing facility containing no more than one living Unit, meaning any building or portion thereof containing the following:

- Cooking facility: as used herein is defined as containing a stove, oven, microwave or other appliance used for the preparation and service of food and/or an area for the storage, preparation and cooking of food, including a sink
- A sleeping area or sleeping accommodations
- A bathroom facility: as used herein is defined as an area containing a toilet and a bathtub or shower.

- Served by a separate entrance.

Street Property Line

As used in this Ordinance, “Street Property Line” means a state or county right-of-way line or a road easement line immediately adjacent to the premises.

Tapping

The installation of a shut-off valve or saddle tee on a pipeline.

Time and Material Costs

Time and material costs shall include labor, materials, equipment, outside contractors and the appropriate overhead.

Uniform Plumbing Code (UPC)

A code published and updated periodically by the International Association of Plumbing and Mechanical Officials.

Water Closet Reservoir Device

A device designed to reduce the flush in tank-type toilets to three and one-half (3 1/2) gallons or less.

Water Main

A water supply line in a street or easement that is a part of the distribution system.

Water-Saving Aerator

An aerator limiting flow to a maximum of four (4) gallons per minute.

Water-Saving Shower Head

A showerhead limiting flow to a maximum of two and one-half (2-1/2) gallons per minute or less.

Water-Saving Toilets

Tank-type toilets designed for a maximum of 1.6 gallons per flush or water closets equipped with an approved flush-o-meter valve designed for a maximum 1.6 gallons per flush.

Water Service Connection

The terminal end of a service connection from the public potable water system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at the point of delivery to the customer's water system. If a meter is installed at the end of the service connection, the service connection shall mean the downstream end of the meter. Normally, such connection is at the property line.

Water Used

Any water supplied by a water purveyor from a public potable water system to customer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

SECTION 2 CONDITIONS OF SERVICES

2.01 WATER PRESSURE AND SUPPLY

SPUD assumes no responsibility for loss or damage caused by lack of water or pressure, either high or low, and agrees to furnish such quantities and pressures as are available in the distribution system and in compliance with the California Department of Public Health Regulations.

2.02 SERVICE INTERRUPTION

SPUD reserves the right at any and all times to discontinue water delivery for the purpose of maintenance, repairs, and alterations to its system. Wherever possible, advance notice of service interruption will be given to water users affected.

2.03 ACCESS TO FACILITIES

By applying for and/or receiving water service from SPUD, each consumer irrevocably licenses SPUD and its authorized Directors and agents to enter upon the consumer's property at reasonable times for the purpose of reading, inspecting, testing, checking, repairing, maintaining, or replacing the District's meters, backflow prevention devices, and other facilities, and for the delivery of legal notices.

2.04 WATER USER'S RESPONSIBILITY FOR CONTROL OF WATER DELIVERED

Title to water furnished by SPUD, the risk of loss thereof and full responsibility for the carriage, handling, storage, disposal, and use shall pass from SPUD to the water user at the outlet of a SPUD meter, curb stop, at the property line, the control valve of a fire hydrant, or the outlet of a check valve assembly.

2.05 PLACE OF USE OF WATER; RESALE PROHIBITED

Except with the prior written authorization from SPUD, no customer shall use, or permit the use of, any water furnished by SPUD on any premises other than that specified in the customer's application for service, nor shall any customer resell any water furnished by the SPUD.

2.06 ELECTRIC GROUNDS

No electric circuit shall be grounded to SPUD's facilities or to any plumbing or metal in electrical continuity therewith. Any person who makes, or permits to be made, such a connection will be liable for damages to SPUD's facilities, and for personal injury and/or property damage resulting from such a connection.

2.07 CUSTOMER'S COMPLIANCE WITH ORDINANCE

By applying for or receiving water service from SPUD, each customer covenants and agrees to be bound by and to comply with all District regulations established at the time of application and all District regulations adopted later by the District.

2.08 DAMAGES THROUGH LEAKING PIPES AND FIXTURES

SPUD is not responsible for any damage to property resulting from any leaks beyond the water meter.

2.09 SHUTOFF VALVE ON THE CUSTOMER'S PROPERTY

The customer shall install, maintain, and use a customer's shutoff valve to turn water on and off for their convenience. Such valve shall be located downstream of the water meter. SPUD's valve shall not be used by the customer or the customer's representatives without the express written approval of SPUD. Unauthorized use constitutes tampering with the SPUD facilities.

2.10 PRESSURE-REDUCING VALVES

When the SPUD's line pressure is over 60 pounds per square inch at the service connection, a suitable pressure-reducing valve should be installed and maintained by the customer. The valve shall be set to maintain a pressure equal to or lower than 60 pounds per square inch within the structure. It's the property owners responsibility to install and maintain a proper pressure-reducing valve, if the valve is required.

2.11 DISCONTINUANCE OF SERVICE

Service may be discontinued for the following reasons:

- A. Customer fails to meet financial obligations for water service or for repairs or alterations to the customer's service facilities by SPUD.
- B. A public health hazard develops that is associated with the customer's service connection that would adversely affect the public water system. If the District determines a public health hazard is present, service will be discontinued without prior notice and the customer promptly notified.

SECTION 3 NEW SERVICES, ADDED SERVICES

3.01 CONDITIONS UNDER WHICH NEW SERVICES WILL BE CONNECTED

New services will be connected subject to the following conditions:

- A. The property to be served is within the SPUD service area.
- B. There exists a SPUD water main of adequate capacity and pressure, as solely determined by the SPUD, in a public easement or right-of-way, or a SPUD easement abutting a principal boundary of the land to be served; or adequate mains, pumps, and storage facilities, as solely determined by SPUD, are constructed in accordance with the requirements presented in SECTION 10, EXTENSION OF FACILITIES.
- C. The customer shall apply for service and pay all fees for facilities and construction.

3.02 WILL- SERVE LETTER AND COMMITMENTS

- A. Assurance of water service issued by the District to a property owner shall be subject to the same conditions stated in items A and B above.
- B. The SPUD water service agreement will reflect conditions or facts about the property, as represented by the Customer, at time of execution of the water service agreement. Should the conditions or facts materially change and/or be other than as originally represented by customers to District, District reserves the right to revise the water service agreement and make changes to the water service agreement as may be necessary to reflect the new conditions.
- C. Any Will-Serve Letter shall be issued on a first-come, first-served basis and shall be subject to availability of supply at the time of application acceptance.

- D. Upon compliance with SPUD’s rules and regulation, and upon payment of the installation costs and connection and facility fees in effect at the time the application for water service is made, water service will be provided to the property. Payment will be required before work is started and the Sierra County Assessor has assigned an Assessor’s Parcel Number to the property.
- E. Notwithstanding any other provision of this will-serve letter, it shall continue in force and effect a period of two years from the date of issuance of the Will-Serve Letter. Upon expiration of the Will-Serve letter, the owner will have to re-apply.
- F. Water service charges shall commence on the first day of the month following the connection to SPUD’s main line, shall be billed by the District, and shall be payable each month thereafter. In the event of failure to pay applicable water service charges, the District may disconnect or discontinue service.

3.03 APPLICATION, CHARGES, AND CONDITIONS FOR NEW SERVICES

- A. New service applications shall be made in writing using application forms provided by the SPUD, and signed by the customer or the authorized agent.
- B. An applicant will not be granted service unless all previous applicant accounts with SPUD are in good order.
- C. Applicant must pay the facility fees in effect at the time of application.
- D. Property owner is responsible for all installation, material, and labor costs beyond the meter. These costs are separate from the facility fee. The house service lateral shall be installed according to Sierra County code requirements and the engineering and construction standards as adopted by the District.
 - 1. No contractor shall be hired to tap the SPUD’s main water line without SPUD approval.
 - 2. SPUD will provide all specifications for parts and materials. Specifications are available in the “SPUD Construction Standards Handbook”
 - 3. Installation shall be subject to the inspection of and approval by SPUD prior to connection and the provision of service.

3.04 SERVICE UNIT

The determination of what constitutes the same ownership, contiguous parcels, an EDU and a Service Unit shall rest solely with SPUD. Upon written request by the property owner and written approval by SPUD, a property owner may have more than one Service Unit and EDU on the same parcel or contiguous parcels of property. Each Service Unit shall be independently metered and charged a separate facility fee.

3.05 CHANGE OF PARCEL STATUS/OWNERSHIP

Two or more residential or public-use structures on the same parcel or contiguous parcels in the same ownership shall be served by separate EDUs. Should the parcel be split and sold to another owner, each resulting parcel shall have a separate water service connection. Additional facility fees will apply for each connection. When a structure exists or is placed on the parcel, EDUs will be assigned by SPUD. The application for new service shall be the responsibility of the property owner of record. Refer to **Section 3.02** of this ordinance.

3.06 INCREASE OR REDUCTION IN EDU COUNT

SPUD recognizes that a consumer may voluntarily elect to increase or reduce the EDU count on a parcel of real property and The District will allow such increase or reduction (if qualified) provided the consumer:

1. Submits to SPUD in writing a request for an increase or reduction, to take effect upon inspection and verification of qualification.
2. Allows SPUD to inspect the property and buildings which are involved in the increase or reduction.

If the increase or reduction request is granted, there shall be no reimbursement of fees or charges previously paid, billed or incurred in consideration of prior connection and providing of service. Should a proposed reduction request result in a discontinuance of service, an application for service shall be made to SPUD in accordance with Section 3.03 prior to reconnection.

3.07 WATER USED WITHOUT SUBMISSION OF APPLICATION

A person taking possession of premises and using water from an active service connection without having made application to SPUD for water service shall be held liable for the water delivered from the date of the last billing. If a proper application for water service and outstanding bills for service are not brought current, the service may be discontinued in accordance with **SECTION 2.11, DISCONTINUANCE OF SERVICE.**

3.08 SERVICE CALLS

Service calls will be accepted and a response rendered by SPUD unless the problem is clearly the customer's responsibility. A Board Director or an authorized agent shall assess the situation and make a determination of responsibility for the problem. SPUD's responsibility for service and equipment ends at the meter out-flow.

3.09 ALTERED SERVICES

Where new additional structures are built on parcels having existing water service, additional EDU's may be required, based on a multi use parcel or dwelling, as shown in RESOLUTION NO. 98-3 – RATE SCHEDULE (EDU).

3.10 REFUND OF CONNECTION FEE

Should a system connection not be made after a customer has applied for new service, customer may make a written request to SPUD for a 75 percent of connection fee refund. The written request must be made to SPUD within three (2) years of the date of the original application.

3.11 TAPPING OF DISTRICT LINES

No individual or customer shall tap the District main without written permission from SPUD.

SECTION 4 FIRE SERVICE

4.01 CONDITIONS OF SERVICE

SPUD will provide water service for fire hydrants and other facilities used exclusively for fire fighting at such pressure, and at such rates of flow as may be available from time to time as affected by the operation of SPUD's storage, transmission and distribution facilities. SPUD does not warrant or guarantee any pressure, range of pressures, or rate of flow. SPUD shall not be

liable for any damage in any manner arising out of the non-availability of water, or water pressure, at any hydrant or facility used for fire fighting.

4.02 SIZING AND APPROVAL OF FIRE PROTECTION CONNECTION

SPUD will size the fire service connection based on currently available pressure in the SPUD main, or 60 psi, whichever is greater.

SECTION 5 METERS

5.01 METERS

All services receiving water from SPUD shall be metered. It is SPUD's policy to meter each individual customer served and each individual parcel or property served. Each unit in multiple residential units constructed after the effective date of this Ordinance shall be individually metered.

- A. Location: SPUD meters shall be located at the edge of state or county road right of way, close to the property owner's boundary line. Exceptions to this requirement may be specifically authorized under such circumstances as SPUD considers appropriate.
- B. Change in Location of Meters: Meters moved for the convenience of the customer shall be relocated at the customer's expense. Meters moved to protect SPUD system shall be moved at SPUD's expense.
- C. Size of Meters: Refer to SPUD's Construction Standards Handbook.
- D. Re-evaluation of Meter Size:
 - 1. Requested by Customer — A customer may request a change in meter size based on changed conditions at the place of service or when historical usage indicates a change is warranted. Costs for change in meter size, including installation costs on a time and materials (meter & all parts) basis shall be the responsibility of the customer requesting the change. In the case where a meter is downsized, no additional cost for the meter shall be incurred by the customer and no credit shall be given by SPUD.
 - 2. SPUD Initiated — SPUD may require a change in meter size when the historical usage indicates the meter is operating above or below the meter's rated design capacity. The customer shall be given written notice in advance of the change. The cost of a change in meter size shall be as stated above.

5.02 METER READING AND METER ACCURACY

- A. Measurement of Water Delivery Service: All water supplied by SPUD will be measured by means of water meters that are sized, owned, and maintained by SPUD. Gallons will be the unit of measure, and the amounts charged for service delivery shall be based on the current rates established by the SPUD. SPUD may change the unit of measure if a new method is determined to be more accurate and/or cost effective. RESOLUTION 06-6
- B. Frequency of Meter Reading: Meters will be read as close to the end of the month as practical, in May (for the winter months), June, July, August and September. Additional readings will be made on commencement and termination of service, and as required by special circumstances. The fact that a meter is not read shall not preclude computation of a bill nor the Customer's responsibility for payment of charges for metered use of water.

SPUD may change the frequency of meter reading if a new frequency is determined to be more cost effective.

- C. Meters That Cannot Be Read Because of an Obstruction: Where a meter cannot be read because of an obstruction, the customer will be notified and shall be required to remove the obstruction. If an obstruction is not removed within thirty (30) days of notification, service may be terminated.
- D. Analysis of Water Meter Reads
 - 1. Water meter readings may be analyzed to determine excess water usage. If excess water usage is indicated, District will endeavor, but shall not be required, to notify customer. Charges for excess water usage will be charged and will appear on the monthly water bill. If the usage is in the abnormal or excessive range, SPUD shall not be responsible for contacting the customer.
 - 2. Customers are responsible for evaluating the meter reading and water bill to find any excess water usage or other discrepancies.
- E. Testing Meters: SPUD will test the accuracy of its meters upon the request of a customer. A deposit (labor costs for removal and installation, plus the cost of the test) will be required prior to the test. The customer may witness the test. If a meter is found to be impaired, SPUD shall repair or replace it, and shall refund the cost of the test.
 - 1. Adjustment for Meter Errors — Fast Meters: If a meter tested at the request of a customer is found to be more than two percent (2%) fast, the excess charges for the time of the improper metering , or for a period of six months, whichever shall be the lesser, shall be refunded to the customer. If the meter is registering more than 2 % over actual quantities passing through it (reading fast), the test deposit shall be refunded. If the meter is not found to be running fast, the customer pays the test costs.
 - 2. Adjustment for Meter Errors — Slow Meters: If a meter tested at the request of a customer is found to be more than ten (10%) percent slow in the case of domestic services, or more than five (5%) percent slow for other than domestic services, SPUD may bill the customer for the amount of the undercharge based on corrected meter readings for the period, not exceeding six months, that the meter was in use.
 - 3. Non-Registering Meters: If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by SPUD.
 - 4. Cost of Testing Meters: A charge will be made in accordance with standard parts and labor rates found in the industry and verified by SPUD’s System Operator.

SECTION 6 BILLING

6.01 GENERAL

Payment for water service is due monthly for the service rendered with overage charges being billed as part of the monthly bill. Bills will be mailed at the beginning of each billing period to the address furnished to SPUD. The property owner shall be responsible for keeping SPUD advised of the address and to whom, bills are to be mailed. Non-receipt of a bill shall not relieve

the property owner of any payment obligation to SPUD. Charges will be in accordance with EXHIBIT "A", RESOLUTION 06-6 and Equivalent Dwelling Units (EDU's) are assigned according to RESOLUTION 98-3 (Rate Schedule-Equivalent Dwelling Units).

6.02 BILLING

- A. SPUD bills the flat-rate distribution service fee (Resolution 06-6) monthly.
- B. Consumption will be calculated by subtracting the previous meter reading from the present month's meter reading. Overage is calculated by subtracting the allowable water delivered in gallons during the meter read cycle from the metered consumption. The bill amount shall be the monthly minimum rate, plus the overage rate (Resolution 06-6) times the number of gallons delivered over the monthly allotment.
- C. Stand-by status for existing water service can be granted by SPUD under the following conditions.
 - 1. A written request is made by the property owner to place the account on stand-by status for one of the following:
 - a. Yearly full-time stand-by status.
 - b. Winter stand-by status, {8 months (October, November, December January February, March, April, and May)}.
 - 2. There is no water delivered to the property. If the meter reading indicates water was delivered to the property the full rate for water delivery will be charged.
 - 3. It is understood that the account will go on stand-by status and a reasonable administrative charge will be billed.
 - 4. The Board decides there are special circumstances in effect.
- E. Commencement of Billing
 - 1. Charges will commence on the 1st day of the month for water service rendered during any part of the month.
 - 2. Charges shall start the first day of the month following the date the water meter was installed.
- F. Customer To Be Billed
 - 5. SPUD will bill each individual customer consistent with the concept of metering each individual customer, individual parcel, or individual property. If conditions indicate another form of billing is in the best interest of both SPUD and the customer, another method of billing may be initiated. The determination of how to bill the customer will be at the sole discretion of SPUD.

6.03 PAYMENT OF BILLS

Payment of rates or charges of the District shall be made by the stated due date on bills. Payment shall become past due thirty (30) days after the mailing date. A two (2)-day shutoff notice will be posted on the delinquent property at forty-five (45) days past-due if full payment is not received or payment arrangements are not made.

- A. Delinquent Bills: In the event of delinquency in the payment of any rates, or charges, or installation charges thereof, or interest thereon, after 30 days a basic late payment penalty may be added thereto, plus an additional penalty per month for each month of non-payment of rates, charges, installation charges, and/or interest and penalties. Specific fees are enumerated in the Schedule of Rates and Fees. The delinquent account may remain connected to the property.

- B. Returned Checks: SPUD will levy a fine for returned checks. See Schedule of Rates and Fees.
- C. Estimated Bills: If a meter fails to register correctly, or cannot be read, SPUD shall estimate the quantity of water delivered, taking into consideration seasonal water demand, previous usage history and any other factors in arriving at a fair charge.
- D. Disputed Bills: Any request for investigation of a disputed bill must be made in writing to the SPUD Board of Directors. Directors will see to it that the claim is investigated. The customer will have a response within a reasonable time. The response shall contain information obtained by the investigation and the decision of the Board of Directors. Appeal of the Board of Director's decision may be made as indicated in SECTION 16, APPEALS.
- E. Responsibility for Payment
 - 1. All charges for water service shall be the responsibility of and billed to the owner of the property making application for service. Upon written request of the owner, and approval by SPUD, charges for water service shall be billed to the person occupying the property provided, however, that in the event of delinquency, such charges may be billed to the property owner and remain with the property. Should charges remain delinquent, SPUD shall place a lien on the property as indicated in SECTION 13.08, LIEN OF PROPERTY.
 - 2. Should the property be sold and a delinquent bill exists on said property, SPUD may transfer those charges to any other open account under the name of the previous owner afforded such service. A transfer fee will be assessed, in accordance with SECTION 3.04, CHANGE OF PARCEL STATUS. Should the property be sold and no other account is available to accommodate said transfer, charges will remain with the property and the new owner will become responsible for these amounts. No service will be rendered to the property until previous bills are satisfied.
 - 3. Upon receipt of a properly executed application for water service, the billing may be assigned to a homeowner, to a homeowners association or a property management organization.
- F. Collection of Water Delivery and Service Charge and Rates: All water delivery and service charges (including overage charges) and rates may be billed on the same bill and collected together with rates and charges for any other District services. If all or any part of such bill is not paid for any service, the District may discontinue any or all of the services for which the bill is rendered.
- G. Lien of Property: Each water service bill and/or charge levied by, or pursuant to, this Ordinance and the rules and regulations hereunder on any property within the SPUD water district, is hereby made a lien upon such property where service is provided, and any measures authorized by law may be taken by SPUD to enforce payment of such lien.

6.04 UNCONTROLLABLE LOSS OF WATER

- A. Where a customer, through no fault of their own, has incurred excessively high water bills during one meter-read cycle, relief may be granted by SPUD even though the water has passed through SPUD's meter onto the customer's property. Relief is intended for situations where lines have frozen and broken, and the detection and correction of such a break could not have reasonably been accomplished in time to avoid the excessively high

water usage. Relief of high water bills will be solely at the discretion of the SPUD Board of Director and the evaluation of SPUD's System Operator.

- B. Relief shall be granted in cases where the total metered water loss is greater than the EDU allotment in one meter-read cycle.
- C. Relief shall **not** be granted for misuse; such misuse includes but is not restricted to: neglect of breaks, leaks, excessive watering, and watering during a period of declared water shortage. This policy, and any reductions in billing, shall not apply in situations where adverse conditions or conditions beyond the control of SPUD prevent the reading of the meters.
- D. Request for relief must be in writing to SPUD. The Board of Directors and/or The Certified System Operator will, to the greatest extent possible, confirm that the high overage was a result of an undetectable condition and not a result of negligence or inattention of the property owner. Upon such a determination, the Board of Directors and/or The System Operator will calculate the overage charge based on EDU gallon allotment at the current SPUD charge for water service. For gallonage above EDU allotment, excess usage rate will be as shown in RESOLUTION NO 06-6 EXHIBIT A. The decision of the Board of Directors to grant relief to the customer shall be made as noted in SECTION 15, APPEALS.

SECTION 7

DISCONNECTION, TERMINATION, AND ABANDONMENT OF SERVICE

7.01 DISCONNECTION BY SPUD

SPUD reserves the right to disconnect any connection to the water distribution system and to discontinue water service for any of the following reasons:

- F. The customer fails to comply with District regulations.
- G. The service is being furnished without a proper application or under a false or fraudulent application.
- H. There is evidence of unlawful tampering or interference with SPUD's facilities by the customer.
- I. SPUD or a State or County public health officer finds that there exists a condition that is hazardous to the health and safety of SPUD customers or any water user.
- J. The customer fails, after notice from SPUD, to remove an obstruction that prevents the reading of the meter.
- K. The customer fails to maintain the facilities in a suitable condition that allows for reading of the meter.
- L. The customer does not meet the requirements of SPUD's Water Conservation Provisions outlined in this Ordinance, or uses water in a wasteful manner.
- M. The customer does not pay for any SPUD rate or charge within forty-five (45) days after mailing or presentation, provided that written notice of intent to disconnect and discontinue service is delivered to the premises served and/or mailed to the customer's billing address at least fifteen (15) working days prior thereto, and a notice has been delivered to the subject property forty-eight hours prior to disconnection. The delinquent account may remain connected to the property.

- N. When water uses are found that pose a clear and immediate hazard to the potable water supply and these hazards cannot be immediately abated, the shutoff procedures shall be initiated. If, in the opinion of SPUD, the threat to public health is immediate, service shall be disconnected and the customer notified after the fact. Conditions requiring water shutoff shall include, but not be limited to the following:
1. Refusal to test backflow preventer.
 2. Refusal to repair faulty backflow preventer.
 3. Refusal to replace faulty backflow preventer.
 4. Direct or indirect connection between a potable water system and a sewer line.
 5. Unprotected direct or indirect connection between a potable water system and a system or equipment containing toxic chemicals or sewage.
 6. Unprotected direct or indirect connection between potable water systems and auxiliary water systems.
 7. Unprotected direct connection between potable water system and non-potable or unpressured system.
1. Refusal to correct violations.

7.02 REQUEST TO TURN OFF OR TURN ON CUSTOMER'S SERVICES

In the event of an emergency, as determined by SPUD, SPUD will, upon request, turn off or turn on the customer's service. During or after regular working hours, a fee may be charged. The charge will be the actual cost to SPUD by the System Operator or other agent of SPUD. The actual cost of the service shall be billed to the customer on a time and material basis. A temporary turn off shall not exempt the property from paying the minimum monthly charge for water service.

7.03 TERMINATION/RECONNECTION OF SERVICES BY CUSTOMER REQUEST

Water service may be disconnected or put on standby any regular business day by making application to SPUD at least two (2) weeks prior to the date service is to be discontinued or put on standby. At the signed request of the owner, the meter can be removed. In this case the customer will not be charged a standby fee. Prior to the resumption of service, a reconnection cost shall be paid to reestablish service. See Schedule of Rates and Fees.

7.04 ABANDONMENT OF SERVICE LINE

Whenever a service line is abandoned, the owner of the property previously served by the said line shall pay SPUD's time and material costs for disconnecting the service line from SPUD's main line, and removing SPUD's facilities appurtenant to the service line. The line shall be abandoned in accordance with SPUD's standards and direction and shall not be re-connected to the District's main line or facilities.

7.05 TURN OFF FOR NONPAYMENT

If the water is turned off for non-payment, or a turn-off is attempted, service will not be restored until all charges plus turn-on charges are paid in full by cash, cashier's check, or money order. If such charges are not paid within thirty (30) days of discontinuance of water service, SPUD may remove the water meter. In this instance the reconnection of service shall require reinstallation of the water meter and payment of a reconnection fee. See Schedule of Rates and Fees.

7.06 TURNING OFF WATER TO PREVENT HEALTH HAZARD

When it becomes necessary to shut off a user's water for health reasons, the following steps shall be followed:

- A. A reasonable effort shall be made to advise consumer of intent to institute water shutoff.
- B. The State Department of Public Health shall be advised of pending water shutoff.
- C. Water supply will remain inactive until the health problem correction has been inspected and approved by the District and/or the State Department of Public Health.

7.07 TURN OFF FOR WASTE OR EMERGENCY

Where SPUD has reason to believe that excess water is being used on private property in violation of SPUD ordinances, or that an emergency situation exists, SPUD shall attempt to contact a responsible party during normal business hours. If contact cannot be made, water service may be discontinued and the customer notified by mail.

SECTION 8 MATERIAL AND MANNER OF CONSTRUCTION

8.01 GENERAL

- A. The size, alignment, materials of construction of a water service, and the methods to be used in excavating, placing of the pipe, connection to the public water system, joining, testing, and backfilling the trench shall conform to the requirements of the Construction Standards Handbook. The size and appurtenances of a service lateral for use other than by a single residential dwelling shall be subject to review and approval by SPUD as recommended by SPUD's Certified System Operator.
- B. Where a service has been provided to the property line, that service shall be used. If the owner for his convenience desires service at a location other than that provided, upon approval of SPUD, a new service may be installed. The property owner shall bear all costs.

8.02 MATERIAL AND MANNER OF CONSTRUCTION

All material and construction guidelines, codes, and procedures are available in the SPUD Construction Standards Handbook.

8.03 INSPECTION

All work done under the provision of this chapter shall be subject to inspection by and shall meet the approval of the SPUD Board of Directors, the Certified System Operator, the District Engineer or Manager or designees, provided, however, that approval by the above people or any other person shall not relieve the permittee and/or contractor from complying with any other applicable laws, ordinances and regulations of applicable state agencies. After the fee required has been paid and the permit and/or contract are issued, the SPUD Board of Directors or designee shall inspect the construction for compliance with the requirements of this chapter prior to allowing connection.

8.04 NOTIFICATION WHEN READY FOR INSPECTION

The permittee and/or contractor shall notify the District at least forty-eight (48) hours prior to the time any inspection is to be made.

8.05 WORK UNCOVERED FOR INSPECTION

At the time of the inspection the permittee and/or contractor shall have all work uncovered and convenient, and shall give the SPUD Board of Directors or designee every facility to make a thorough inspection.

8.05 CORRECTION OF DEFECTIVE WORK

If the construction does not conform to SPUD construction standards, or if the permittee and/or contractor fail to prosecute the work with such diligence as to insure its completion within the time specified, the SPUD Board of Directors or designee will notify the permittee and/or contractor in writing to comply. If the permittee and/or contractor fail to comply within five (5) days after the written notice, the permit and work shall be suspended or revoked in accordance with the procedures set forth hereinafter.

8.06 MATERIALS AND CONSTRUCTION TO MEET STANDARD SPECIFICATIONS

All material used in any work done under provisions of this chapter shall be new, first-class material and shall conform to, and the manner of construction shall meet all the requirements prescribed in SPUD Construction Standards Handbook.

8.07 FACILITIES NOT TO BE USED BEFORE FINAL INSPECTION

No water or other facility constructed under the provisions of this chapter shall be placed in use until the work has been approved by the SPUD Board of Directors or designee. Exceptions to this requirement may be made only when the work is substantially complete and has been inspected, and if SPUD or a designee determines that the best interests of the public will be served by permitting such use prior to completion of the work.

SECTION 9 CONTROL OF BACKFLOW AND CROSS CONNECTIONS

9.01 GENERAL

No water service connection to any premises shall be installed or maintained by SPUD unless the public water supply is protected as required by State regulations and the requirements stated herein. This regulation supplements and does not supersede local plumbing regulations, codes or ordinances, or State Department of Public Health Regulations relating to water supplies.

9.02 PURPOSE OF THIS SECTION

- A. To protect the public potable water supply of SPUD from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants which could backflow into the public water systems.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping system.
- C. To provide for the maintenance of a continuing program of cross-connection control, which will systematically and effectively prevent the contamination or pollution of SPUD's potable water system.

9.03 SPUD's RESPONSIBILITY

SPUD has the responsibility as required by State law to require property owners to prevent backflow contamination of the public potable water distribution system. If, in the judgment of SPUD or SPUD's Certified System Operator, an approved backflow prevention assembly is required by State law on the customer's water service connection for the safety of the water system, SPUD shall give notice in writing to said customer to install such an approved backflow prevention assembly. SPUD shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the proper, improper, or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any customer or any other person.

9.04 CUSTOMER RESPONSIBILITY

It shall be the responsibility of each customer at their own expense to furnish, install, and keep in good working order and safe condition, any and all protective devices. Once notified of the need to install a backflow prevention assembly, the customer shall immediately install such approved assembly at the customer's own expense; and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met. The customer shall maintain an adequate heat source to backflow prevention assembly housing in order to prevent cold weather from affecting the operation of the assembly.

9.05 REQUIREMENTS

A. Water System

1. Utility system shall consist of the supply, well(s), storage and distribution system; and shall include all those facilities of the water system under the complete control of the utility up to the point where the customer's system begins.
2. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system (water meter) that are utilized in conveying utility-delivered domestic water to points of use. In the absence of any other contractual relationship, the customer's system begins at the outlet of SPUD's meter.

B. Policy

1. No water service connection to any premises shall be installed or maintained by SPUD unless the water is protected as required by State laws and regulations and this ordinance. Service of water to any premises shall be discontinued by SPUD if a backflow prevention assembly required by this ordinance is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
2. The customer's system shall be open for inspection at all reasonable times to authorized representatives of SPUD, California State Health Department and the County Health Departments, to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, SPUD shall deny or immediately discontinue service to the premises by providing for a physical break in the

service line until the customer has corrected the condition in conformance with State, County, and District regulations relating to plumbing and water service.

3. An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
 - a) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by SPUD, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard.
 - b) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard.
 - c) In the case of premises having (1) internal cross-connection that cannot be permanently corrected or controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line. The type of protective assembly required under subsections C, 1, 2 & 3, shall depend upon the degree of hazard which exists as follows:
 - d) In the case of any premises where there is an auxiliary water supply as stated in subsection A. 1 of the section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.
 - e) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
 - f) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage plumbing stations, chemical manufacturing plants, hospitals, mortuaries, or plating plants.

- g) In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection.
 - h) In the case of any premises where, because of the security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises.
4. Any backflow prevention assembly required herein shall be a model and size approved by the District. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association, and have met completely the laboratory and field performance specifications, testing and certifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.

9.06 CONTROL OF BACKFLOW AND CROSS CONNECTIONS

- A. The protection required to prevent backflow into the public water system shall be commensurate with the degree of hazard that exists on the customer's premises. The types of backflow prevention assemblies that may be required include:
 - 1. Double Check Valve Assembly (DC)
 - 2. Reduced Pressure Principle Assembly (RP)
 - 3. Air Gap Separation (AG)
- B. SPUD shall maintain a list of the minimum types of backflow protection required at specific facilities. Those facilities or situations which are not listed shall be evaluated on a case-by-case basis and the appropriate type of protection shall be as determined by SPUD. The list will be available for public inspection at the SPUD office.

9.07 INSTALLATION REQUIREMENTS FOR BACKFLOW PREVENTION ASSEMBLIES

Customers with systems that require backflow protection assemblies shall purchase approved devices and pay all costs associated with the installation of the appropriate size and type of device. New installations shall be installed under private contract at the customer's expense. Existing facilities determined to need backflow protection will be retrofitted with the appropriate device under private contract at the customer's expense. All new installations shall be completed and tested prior to obtaining a certificate of occupancy.

- A. Air-Gap Separation (AG)
 - 1. An air-gap separation shall be located on the water customer's side of, and as close to, the service connection as is practicable.
 - 2. All piping from the service connection to the receiving tank shall be above grade and visible unless otherwise approved by the District.
 - 3. There must be no outlet, tee, tap, take-off or connection of any sort to or from the supply pipeline, between the service connection and the air-gap separation.

B. Reduced Pressure Principle Assembly (RP) and Double Check Valve Assembly (DC)

1. RP and DC devices to be installed above ground on the water customer's side of, and as close to, the service connection as is practicable, unless otherwise approved by the SPUD.
2. RP and DC to be installed a minimum of twelve inches (12") above finished grade and not more than thirty-six (36") above finished grade as measured from the bottom of the assembly, and shall be readily accessible for maintenance and testing.
3. There shall be no outlet, tee, tap, take-off or connection of any sort to or from the supply pipeline, between the service connection and the backflow prevention assembly.
4. RP and DC devices shall be housed in a heated structure such that it will be kept from freezing and with adequate drainage. If a separate housing is not practicable, the device must be installed within the structure being served in such a manner that it is readily accessible for inspection and testing. Care should be taken to place the device in an area that will not be adversely affected when the RP relief port opens during a backflow condition. It is the customer's responsibility to provide drainage capable of removing maximum flow discharged through the device according to manufacturer's specifications. In all cases the location of the device must be approved by SPUD on the evaluation of SPUD's Certified System Operator.
5. RP shall be installed such that no part of the assembly will be submerged during normal operating and weather conditions.

9.08 TESTING AND MAINTENANCE

SPUD requires that each backflow prevention assembly be tested annually to assure proper operation. In instances where a hazard is deemed great enough, testing may be required at more frequent intervals. The customer shall bear all costs of device testing. The cost of any maintenance required as a result of inspections or testing is the responsibility of the customer. Maintenance work shall be performed by the owner or the owner's representative. Records of inspections, testing or repairs shall be sent to and kept by SPUD and made available to the California Department of Health Services. SPUD will notify the customer when tests are required and supply the necessary test forms and instructions. These forms will be completed by the certified backflow prevention tester and returned to SPUD by the date indicated. Testers shall be certified by the AWWA, California-Nevada Section. Test procedures shall be those recommended by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

9.09 NON-COMPLIANCE

If following an inspection and/or testing a device is found to be in non-compliance, the customer shall be notified and given fourteen (14) days to correct the deficiency after which time the inspection will be repeated. The District shall discontinue water service if a backflow prevention device has failed to be tested properly or has not been properly maintained or installed as required by the District. Notification of intent to terminate water service shall be commensurate with the hazard to public health and may be delivered to the tenant, owner, or both as the situation requires.

SECTION 10 EXTENSION OF FACILITIES

10.01 GENERAL

Facilities to extend SPUD's water distribution system, including without limitation the water mains, storage reservoirs, pumps, and appurtenances, and collectively referred to herein as "extension facilities," may be constructed to serve lands where SPUD is not presently providing service. The District may also develop new provisions to accommodate new development within the District's service boundaries. Such provisions may encompass terms and conditions of service, upgrades to District facilities, extensions, new development and other mitigations.

10.02 DESIGN, INSTALLATION, AND OWNERSHIP OF FACILITIES

The extension facilities necessary to serve any parcel of land shall be determined solely by SPUD. Said facilities may be designed by SPUD or a qualified agent of the applicant, and will be installed in accordance with plans and specifications acceptable to SPUD. Upon completion, inspection, and acceptance of said facilities by SPUD or authorized representative, the facilities shall be dedicated to, owned and operated by SPUD as a part of SPUD's water system.

10.03 LOCATION OF EXTENSION FACILITIES

Extension of facilities shall be located only on land owned by SPUD in fee, or in a public street or highway, or in an easement granted to SPUD and satisfactory to SPUD. The applicant will cause to be conveyed or granted to SPUD, without cost to SPUD, such lands and/or easements as SPUD determines necessary for the extension facilities. Lands shall be conveyed to SPUD in fee simple, free and clear of liens or encumbrances, except for such encumbrances of record that may be acceptable to SPUD. Easements shall be granted in such form as shall be satisfactory to the District.

10.04 INSTALLATION

The applicant shall install extension facilities utilizing a competent and experienced contractor who is licensed in California for construction of such facilities and is approved by SPUD. SPUD reserves the right to construct, with its own personnel or by contract, all extension facilities including but not limited to storage facilities, pumping plants, taps of existing mains, and extensions involving complicated connections to, or interference with, SPUD's existing facilities.

10.05 PAYMENT OF COSTS

The applicant for service shall pay all SPUD costs associated with the design and installation of those extension facilities. SPUD's actual costs shall be determined by SPUD and shall include labor, materials, equipment, engineering, inspection, legal fees, and overhead expenses applicable to such work. SPUD reserves the right to require an advance deposit for the estimated costs as may be incurred by SPUD in connection with an application for extension of facilities, the same to be replenished from time to time so as you assure that the deposit shall be continuously maintained as required by SPUD.

10.06 DEPOSIT OF INSTALLATION COSTS

The applicant shall deposit with SPUD a sum equal to 125% of the estimated total cost of the construction of the extension facilities prior to final design and construction. If, upon completion of the work, the amount paid to or deposited with SPUD is less than said actual costs, the difference shall be paid to SPUD by the applicant prior to the commencement of service. Any amount paid or deposited in excess of said actual cost will be credited toward usage or refunded upon application.

10.07 REIMBURSABLE COSTS

The following costs of extension facilities (excluding costs of acquisition of lands and easements, and cost of temporary facilities), shall be subject to reimbursement as herein provided:

1. The portion of the capital cost of supply, storage, back-up, and pumping facilities, allocated on a proportionate-use basis, to any capacity of said facilities greater than necessary to meet ultimate requirements of the applicant's property.
2. The cost of all water mains not abutting the applicant's land that are of larger diameter than necessary to serve only SPUD's land, minus SPUD's estimate of the cost of mains in the same location of the diameter necessary to serve the ultimate requirements of the applicant's land.
3. An applicant for a new development requiring an extension of District facilities shall pay all of the cost of those upgrades and capital costs. These costs are not be refundable to the developer, unless in connection with a pay-back agreement, funded by future users who may connect to the upgraded or extended facilities and be benefitted thereby.

10.08 ENVIRONMENTAL IMPACT REPORTS

Whenever SPUD determines that an environmental impact report is necessary, SPUD will provide the applicant with an estimate of the cost. The applicant will deposit 125% of the estimated amount with SPUD. SPUD's actual costs, including overhead expenses, or preparing said report and conducting hearings as necessary, will be determined by SPUD, and the applicant will pay any excess thereof over the amount deposited. If the deposit exceeds said costs, the difference will be refunded to the applicant. The deposit shall be for the purpose of paying and/or reimbursing SPUD for District engineering, staff, administrative, legal and other expenses incurred in connection with or related to compliance with the California Environmental Quality Act, or as otherwise mandated by law.

SECTION 11 WATER CONSERVATION / DROUGHT CONDITIONS

11.01 GENERAL

SPUD has the authority to require changes in water usage among its customers in order to respond to drought, severe water shortage and other conditions that might affect the amount or quality of water available to customers for consumption.

11.02 ACTIONS OF SPUD

In the event of declared drought or any other condition that requires reductions or changes in water usage among customers, SPUD will take such actions as necessary to insure the available

SPUD water supply is utilized for the benefit of the greatest number of SPUD customers. SPUD may, by resolution, enact water rationing, time-of-use schedules, limitation of use, or such other measures as deemed necessary to insure continued water availability.

11.03 CUSTOMER RESPONSIBILITY

It will be the express responsibility of the customer to carefully observe all rules, regulations, and prohibitions set by SPUD in the event of declared drought or water shortage conditions. The unavailability of water or a prohibition of water use at certain times shall not relieve the customer of paying the regular usage fees.

SECTION 12 VIOLATIONS

12.01 GENERAL

In the event of a violation of any of the laws of the State of California applicable to water service or publicly owned and operated water systems and facilities, the Water Ordinance of SPUD, or the rules and regulations established thereto, the Board of Directors shall notify the person or persons causing, allowing, or committing such violation. Such notice shall be in writing, specifying the violation. Within seven (7) days after the deposit of such notice in the United States Post Office, Sierraville, California, and the Board of Directors shall exercise its authority to disconnect the property from the system. However, in the event such violation results in a public hazard, nuisance or menace, SPUD may enter upon the property without notice and perform such work, and expend such sums, as may be deemed necessary to abate such hazard, nuisance or menace and the reasonable value of the work done and the amounts so expended thereon shall be a charge to the owner of the property in violation.

12.02 NOTICE OF NON-COMPLIANCE

In the event a property owner shall refuse to allow SPUD access to the structure for the purpose of furnishing, installing, or inspecting water conservation devices pursuant to these requirements, or to correct a public health hazard, SPUD shall then give the property owner written notice that the structure is not in compliance with the requirements. If the property owner continues to refuse access for a period of fourteen (14) days from the date of such written notice, the structure shall then be deemed in violation and the property owner thereof subject to penalty, as set forth in this Ordinance.

12.03 PENALTY FOR NON-COMPLIANCE

- A. Noncompliance with this Ordinance or violation of the requirements set forth herein, is declared unlawful and a misdemeanor, and shall be punishable by a fine of not over \$500.00 plus all legal fees incurred as a result of any and all violations.
- B. Every day a violation of this Ordinance continues shall constitute a separate offense.
- C. Any structure in violation of the requirements of this Chapter shall be subject to disconnection from all services provided by SPUD upon seven (7) days prior written notice to the owner thereof.

12.04 INTERFERENCE WITH DISTRICT FACILITIES

- A. **Unlawful Acts:** The District will prosecute violations of Section 499, 624, and 625 of the Penal Code of California which makes it a misdemeanor to tamper with or bypass water meters, to take water without payment, or to damage or obstruct SPUD's facilities.
- B. **Drawing Water from Fire Hydrants:** No person, other than authorized Fire District personnel, shall open or draw water from fire hydrants connected to SPUD's distribution system without the prior specific authorization of SPUD. Any water drawn in such a manner shall be for the express use of the Fire District for fire suppression or training.
- C. **Damage to District's Facilities:** The customer, by applying for water service from SPUD, covenants and agrees that, in addition to any right or remedy available to SPUD by law, the customer will pay to SPUD its cost for repairing or replacing any of its facilities damaged as a result of construction or other work done on the customer's property. The water consumer shall be held liable for any damage to the meter through negligence or carelessness.

SECTION 13 ENFORCEMENT

13.01 AUTHORITY OF THE SIERRAVILLE PUBLIC UTILITY DISTRICT

- A. The rates and charges levied pursuant to this section shall be collected by the Board or its representative, who shall make and enforce such regulation as may be necessary for safe, economical and efficient management and protection of the District distribution system and such regulation, collection, rebating and refunding of such charges.
- B. In the event of a violation of any of the laws of the State of California, Sierra County, or the ordinances or rules and regulations of the District, the District shall notify the person or persons causing, allowing, or committing such violations, in writing, specifying the violation. Upon the failure of such person or persons to cease or prevent further violation within five (5) days after the receipt of such notice, the District has the authority to disconnect the property served from the District system.

13.02 DISCONTINUANCE OF SERVICE

Service may be discontinued for any one of the following reasons:

- A. Delinquency in the payment of any bill.
- B. Failure of the customer to prevent water waste.
- C. The existence of an unprotected cross connection on the customer's premises, or the lack of adequate backflow protection at the service connection
- D. When the customer violates the rules and regulations of the District.
- E. When any fixture, apparatus, or equipment using water is found by the District or its designee to be dangerous or unsafe.
- F. When the use of water service on such premise is found by the District or its designee to be harmful to the District water.
- G. A consumer is aiding and abetting another consumer in a violation of this Ordinance or any other law.

In the event that an Ordinance violation resulting in a public hazard, nuisance, adverse health condition, or menace, or in any other appropriate circumstance, the Board of Directors or its designee may enter upon the premise without notice and do such actions as may be necessary for the health and safety of the public or the safety of the District water system.

13.03 NOTICE PRIOR TO A SERVICE DISCONTINUANCE FOR NONPAYMENT

- A. Customers with delinquent accounts, along with property owners, if not the same person, will be notified by mail at least fifteen (15) days before the water service is discontinued.
- B. Notices of service discontinuance required by this section shall include of the following information:
 - 1. The name and address of the customer and/or owner whose account is delinquent.
 - 2. The delinquency amount.
 - 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 changes, unless the District's bill for services contains a description of that procedure.
 - 5. The procedure by which the customer may request a payment arrangement.
 - 6. The telephone number of a District representative who can provide additional information or institute payment arrangement.

13.04 DISCONTINUANCE OF SERVICE ON WEEKENDS, HOLIDAYS, OR AFTER HOURS

No water service shall be discontinued because of any delinquency in payment on any Saturday, Sunday, legal holiday, or at a time during which the business or billing offices of the District are not open.

13.05 NOTICE REQUIRED FOR DISCONTINUANCE OF SERVICE FOR NOT COMPLYING WITH PAYMENT ARRANGEMENT

If a payment agreement is authorized, no discontinuance of service shall be affected, as long as the delinquent customer complies with the arrangement. If a customer fails to comply with a payment agreement, the District shall discontinue service after giving notice at least forty-eight (48) hours prior to the termination.

13.06 DISCONTINUANCE/RECONNECTION

When service has been disconnected as provided in this ordinance, in order to reinstate service, the customer shall pay the unpaid account balance in full, plus a disconnect/reconnect charge. Refer to the Schedule of Rates and Fees.

13.07 MEANS OF ENFORCEMENT ONLY

The District hereby declares that the foregoing procedures are established as a means of enforcing the terms and conditions of its Ordinance, and not as a penalty.

13.08 LIEN

Each rate, charge, penalty, or fee levied by or pursuant to this Ordinance is hereby made a lien upon the real property and premises where service is provided.

- A. Liens: Delinquent charges, interest, and penalties thereon when recorded as provided in the Revenue Bond Law of 1941 (Government Code Section 54300, et seq.) shall constitute a lien upon the real property served (except that no such lien shall be created against any publicly owned property) and such lien shall continue until and unless all charges and penalties are fully paid or the property is sold.
- B. In the event that any customers or owner fails to make such payment as provided above, the customer, owner, and subject property shall be deemed to be in default and in such cases, the District may declare the balance or remaining balances due and payable. In the event the District is required to bring action to collect any sum in default under District Ordinance terms, the customer or property owner shall pay, as an addition penalty, any and all Attorney's fees and/or Court and legal costs incurred by the District. The District shall not be limited to any one remedy in the event of default, but may avail itself of any remedy or legal procedure available to it in such event.
- C. The District shall include a statement on its bill to each customer or property owner, or shall provide such statement to each property owner by any other means, that any charges remaining delinquent for a period of forty-five (45) days may become a lien against the lot or parcel of land against which the charges were imposed.
- D. All rates, charges, penalties, and interest that remain delinquent as of June 30 of each year may be collected in the same manner as the general taxes for the District for the forthcoming fiscal year provided that the District shall have given prior notice to the customer-property owner of the property affected as follows.
- E. By the last Thursday in May of each year the District Board of Directors will prepare a report containing a description of each parcel of real property receiving water service and the amount of delinquent charges, penalties, and interest due against that property on June 30.
- F. The District shall publish a notice of the filing of the report and of the time and place of hearing by the Board of Directors on the report. Such publications shall be for not less than once a week for two weeks prior to the date set for hearing. The same notice shall be mailed to the owner of each parcel on the report as that owner appears on the last equalized assessment roll.
- G. At the stated hearing time, the Board of Directors shall hear and consider all objections or protests to the delinquency report. Thereafter, the Board may adopt, revise, change, reduce, or modify any charge, overrule any or all objections, and make its determination upon the property of each charge and delinquency described in the report. The Board's determination shall be final. Thereafter, the Board may adopt a resolution approving the delinquency charge report, as modified if appropriate, and record such report with the Sierra County Recorder, and request the County Auditor to include the amount of delinquencies on the bills for taxes levied against the property. The resolution and report will be transmitted to the County Auditor not later than July 1 of each year.
- H. Action, Attorney's Fee, Administrative Fees: The District may bring an action in any court of competent jurisdiction for the collection of delinquent charges and interest thereon against the person or persons who occupied or who owned the property when the service was rendered or against any person guaranteeing payment of bills, or against all said persons. Cost of suit and reasonable attorneys' fees shall be awarded the District pursuant with Section 54356 of the California Government Code. If the District commences legal action to recover delinquent charges and interest, The District shall

recover, as an element of damages in said action, a sum as determined by SPUD Board of Directors that represents the administrative expense to the District, not including attorneys' fees, as being directly necessitated by the legal action.

13.09 CUMULATIVE REMEDIES

All remedies set forth herein for the collection and enforcement of charges, rates, and penalties are cumulative and may be pursued alternatively or consecutively.

SECTION 14 APPEALS

14.01 GENERAL

The many variables applicable to the provision of water service require that appeals be accepted by SPUD. This section indicates appeals procedures in place, and in the event these procedures are not sufficient, an additional appeal process is provided. The intent of this provision is to allow relief for customers whose lines may have frozen and broken, or have had other unforeseen similar incidents, and the detection and correction of such a break could not have reasonably been accomplished in time to avoid the excessively high water usage.

14.02 APPEALS PROCEDURES

Customers who have had uncontrollable loss of water greater than EDU allotment in one meter-read cycle may qualify for relief. To qualify, the customer must appeal to SPUD in writing for relief of the charges. SPUD or its representative will, to the greatest extent possible, investigate whether or not the high overage was a result of an undetectable condition, rather than a direct result of negligence or inattention. Upon such a determination, the SPUD or its representative will calculate the overage charge after the first EDU allotment at the current SPUD water usage fee. For gallonage above the EDU allotment, or excess usage, the rate will be the water production and delivery cost rate as shown in the Schedule of Rates and Fees. The Board of Directors or its representative shall perform such investigative work as deemed necessary and respond to the customer within a reasonable time period. The response shall contain information obtained by the investigation and the decision of the SPUD Board of Directors. Customer must continue with current payments during appeal period.

14.03 PAYMENT OF CHARGES PENDING APPEAL REFUNDS

No appeal to the Board of Directors nor legal or equitable process shall issue in any suit, action or proceeding before the District or in any court against the District, or any officer, employee or director of the District, to appeal, prevent or enjoin the collection or any tax, rate or charge or to recover any tax, rate or charge paid, with or without interest, unless the District shall have been first paid in full. Pending appeal decisions, the appellant is responsible for all charges to his or her account. After the appeal is heard, the Board of Directors may order a refund.

SECTION 15 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such decision shall not affect the validity

of the remaining portions of this Ordinance or any part thereof. The Board hereby declares that it will have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

**SECTION 16
EFFECTIVE DATE OF ORDINANCE AND REVOCATION OF
PRIOR WATER ORDINANCES**

This Ordinance shall become effective thirty (30) days from the date of adoption.
This Ordinance replaces any prior SPUD water ordinances.

PASSED AND ADOPTED this ___ day of _____, 2010, by the following ROLL CALL:

AYES:

NOES:

ABSTAIN / ABSENT:

ATTEST

Board Co-chair

Board Co-chair

Administrative Clerk

SPUD SCHEDULE OF RATES AND FEES
SPUD Water Ordinance 07-10
Exhibit A

1. Metered Flat Rate Charge and Gallons Allowed:
 - A. \$41.00 per EDU, billed after delivery.
 - B. Each EDU is allotted 40,000 gallons per month.
2. Overage Charge: Rate charged for water delivered over allotted 40,000 gallons per EDU per month: \$.0035 per gallon.
3. Service Standby Fee: \$15.50 per month included in the monthly bill
 - A. The Standby fee is an obligation SPUD has to pay back the USDA loan of 1998 for replacement of water mains and meter installations. This fee applies to all service connections whether in use or not.
4. Application fee for Will Serve Letter: \$50.00
5. Facilities Impact Fee: \$1000.00 - This is the fee charged for new connections to the district water system.
6. Connection Installation Deposit: Estimated cost for all labor and materials required to install a new water service (due at time of application for service). This cost will vary according to location, size, etc.
7. Disconnect Fee (meter and box removal): \$50.00 plus all labor and materials required to complete.
8. Re-connection Fee (for non-payment shutoff): \$50.00
9. Returned Check Fee: \$25.00
10. Late Payment Fee: \$10.00 if payment is not received within 30 days of due date.