

# **RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

DISTRICT CODE

CHAPTER 17

## **THE RECYCLED WATER CODE**

INSTALLATION, CONNECTION AND USE OF THE  
DISTRICT RECYCLED WATER SYSTEM



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## CHAPTER 17

### POLICES REGULATING THE INSTALLATION, CONNECTION AND USE OF THE DISTRICT RECYCLED WATER SYSTEM

#### SECTION 1.00 General Provisions

**1.01 Title**

This Chapter shall be known as the "Recycled Water Code" and may be cited as such.

**1.02 Scope of Service:**

The provision of this Chapter shall apply to recycled water supply and service in, upon or affecting the land within the Rancho Murieta Community Services District's service area boundary, and the design, construction, alteration, use, and maintenance of public recycled water mains, reservoirs, recycled water distribution system, pumping equipment and facilities, pressure reducing station connections and services, and all system appurtenances; the issuance of permits and the collection of fees therefore; fees to pay for the costs of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; providing penalties for violation of any of the provisions hereof, and all other necessary or related matters.

#### SECTION 2.00 Definitions

For the purpose of this Chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise.

**2.01 Applicant**

Applicant shall mean the owner or the agent of the owner of the property for which recycled water service is being requested.

**2.02 Authorized Contractor**

Authorized Contractor shall mean a District approved contractor who has completed appropriate education requirements in order to perform any work associated with the District's or customer's recycled water system.

**2.03 Board**

Board shall mean the Board of Directors of the Rancho Murieta Community Services District.

**2.04 Recycled Water Customer**

Recycled Water Customer shall mean the owner or agent of the owner of the property receiving recycled water service.

- 2.05 Recycled Water Distribution System**  
Recycled Water Distribution System shall mean the system of the pipelines and other appurtenances by which the District conveys recycled water to its customers.
- 2.06 District**  
District shall mean the Rancho Murieta Community Services District.
- 2.07 Main or Recycled Water Mains**  
Mains or Recycled Water Mains shall mean the portion of the recycled water distribution system, which is located in streets, highways, public ways or easements, which are used to supply recycled water to the District's customers.
- 2.08 General Manager**  
General Manager shall mean the General Manager of the Rancho Murieta Community Services District.
- 2.09 Metered Service**  
Metered Service shall mean the provision of recycled water in measured quantities for a charge based on the quantity of recycled water supplied.
- 2.10 Metered Service Connection**  
Metered Service Connection shall mean the portion of the recycled water distribution system by which recycled water is conveyed from the recycled water main to the premises, including the tap, meter, meter box, pipe, corporation stop, curb stop or shut-off valve.
- 2.11 Recycled Water Permits**  
Recycled Water Permits shall mean the District's written approval or authorization for an action. A recycled water permit may only be issued by the District upon the completion of the appropriate District application form for the action sought, payment of all applicable fees and charges, and compliance with all applicable District ordinances, rules and regulations, as well as local, state and federal law.
- 2.12 Point of Connection**  
Point of Connection shall be defined as the location of the recycled water meter located adjacent to the curb, where downstream is the recycled water customer-owned recycled water line and upstream is the district owned infrastructure.
- 2.13 Premises**  
Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service.

In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.

**2.14 Customer Recycled Water Line**

Customer Recycled Water Line shall mean the portion of the recycled water distribution system located on the customer's side of the point of connection.

**2.15 Residential Recycled Water Service**

Residential Recycled Water Service shall mean the provision of recycled water for purposes outlined in the District's "Recycled Water Use Guidelines" as applicable for residential dual plumbed homes, including water used on the premises for sprinkling lawns, gardens and shrubbery; and other similar and customary purposes pertaining to outdoor non-potable uses.

**2.16 Recycled Water Service Connection**

Recycled Water Service Connection generally means the pipe, valves and other facilities by which recycled water is conveyed from the recycled water main to the premises, and includes the tap, corporation stop, curb stop or shut-off valve, and may include meter and/or service box depending on the type of service.

**2.17 Water Conservation or Water Use Efficiency**

Water Conservation or Water Use Efficiency shall mean recycled water use that results in a water savings or lower demand due to (a) change that increases efficiency for the same productivity (e.g., update to more efficient models of irrigation equipment or upgrades to perform the same function) or (b) change in use of the irrigation equipment that results in reduced demand (e.g., customer behavioral change such as changing irrigation scheduling).

**2.18 Recycled Water Facilities**

Recycled Water Facilities shall mean all reservoirs, wells, sources of supply, storage, treatment, transmission, distribution and pumping facilities, recycled water service connections and any other appurtenance.

**SECTION 3.00 GENERAL POLICIES**

**3.01 General Policy of Operating System**

The District will operate and maintain the recycled water recycled water distribution system in strict compliance with the requirements, regulations and permits enforced by the Central Valley Regional Water Quality Control Board and the California Department of Public Health.



The District shall operate and maintain the recycled water distribution system in an efficient and economical manner and supply recycled water of acceptable quality as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the District to recover all costs of supplying recycled water including, but not limited to, the costs for the following:

- a. Purchasing, pumping, treating, storing, transmitting and distributing recycled water;
- b. Customer Service and Water Conservation;
- c. Administration;
- d. Overhead;
- e. Debt service;
- f. Charges and assessments in-lieu of taxes;
- g. Replacement Reserves
- h. All other necessary and appropriate expenses.

### **3.02 District's Responsibility for Recycled Water Distribution System**

The District shall be responsible for operating, maintaining and replacing all portions of the recycled water distribution system, which are owned by the District. The District shall not be responsible for operating, maintaining or replacing that portion of the recycled water distribution system not owned by the District. The installation of a District measuring device upon private property or within a portion of the recycled water distribution system not owned by the District shall not create an obligation on the part of the District for operation, maintenance or replacement of any works or facilities not owned by the District. District responsibility for maintenance of service extends only to the recycled water meter and the responsibility beyond the recycled water meter is the property owner's.

### **3.03 Allowable Uses of Recycled Water**

The District will allow residential subdivisions, home owners associations, and commercial projects to receive recycled water. Residential subdivisions are required to prepare an Engineer's Report, subject to the approval of the California Department of Health Services. The District prohibits individual homes, not in such subdivisions, to receive recycled water. All residential and non-residential units located in an approved subdivision are required to

use recycled water for all landscaping uses upon District approval of adequacy to serve as subject to the provisions of Section 7.02. If recycled water is used on the property, then potable water may only be used indoors, through hose bibs connected to the house and for swimming pools and spas. Dual plumbed parcels are intended to use recycled water for landscape irrigation.

The District will review and approve of all uses of recycled water in accordance with the District's "Recycled Water Use Guidelines". At the General Manager's discretion, recycled water may be approved but not limited to the following non-potable uses:

- a. Landscape irrigation
- b. Construction including compaction and dust control
- c. Industrial processing
- d. Cooling towers
- e. Toilet and urinal flushing in non-residential buildings

### **3.04 Unauthorized Use of District Recycled Water**

No person shall supply recycled water to any person or to any premises except as authorized by District permit or as approved in writing by the District. Discharge of recycled water for any purpose, including approved uses, in areas other than those authorized, is prohibited. Unauthorized or wasteful use of recycled water as defined in Section 11.00 is prohibited. Violations are, at minimum, subject to the enforcement provisions in Section 13.00.

### **3.05 District Ownership and Control**

The portion of the recycled water distribution system, including the recycled water main, recycled water service connection, and/or meter, which is located in the public way or in easements, shall be under the exclusive control of the District and owned, managed and operated under the direction of the General Manager.

### **3.06 Customer Recycled Water Lines**

The customer shall be responsible for the proper operation and maintenance of the customer's recycled water line downstream of the point of connection and for any damages to the recycled water distribution system or loss of recycled water resulting from the customer's recycled water line.

### **3.07 Access to District-Owned Property**

The District shall have access, at all reasonable hours, to meter service connections and other property owned by the District, whether located on or off the customer's premises, for the purposes

of inspection, installation, repair, maintenance, operation, turn on, turn off, or removal of the District's property.

**3.08      **Unsafe Apparatus, Detrimental or Damaging Conditions****

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of recycled water thereon by apparatus, appliance, equipment or otherwise is found to be detrimental or damaging to the District or its customers, the service may be shut off without notice, provided that the District shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

**3.09      **Fraudulent Use of Service****

When the District has discovered that a customer has obtained recycled water service by fraudulent means or has diverted the water service for unauthorized use; the service to that customer may be discontinued in the manner set forth in Section 13.00 herein. The District shall not be required to restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the District incurred by reason of the fraudulent use.

**3.10      **Use of District Authorized Contractors****

All customers shall choose an "Authorized Contractor" from the District's list of contractors who have completed an orientation and education class on recycled water use for any and all work performed on the customer owned side of recycled water system.

**3.11      **Inspection of Customer-Owned Property****

A customer's recycled water line shall be open for inspection at all reasonable times to a representative of the District. However, except in cases of emergency, before a District representative enters a customer's premises for the purpose of inspecting non-District owned facilities, the District shall obtain the occupant's consent or the District shall give 24-hour advance notice, in writing, to the occupant of the District's intention to enter and inspect the customer's private recycled water line.

**3.12      **Interference with District Employees****

Except as provided in Section 3.11 hereof, it shall be unlawful for any person to interfere, seek or cause to interfere with the inspection, installation, removal, maintenance, or other lawful activity by the General Manager or the General Manager's authorized representative, of any part of the recycled water distribution system owned by the District.

**3.13 Obstructions Prohibited**

No person shall place or cause to be placed on any recycled water line easement any wires, fences, trees, buildings, or other structures, either temporary or permanent, or any refuse, rubbish, debris or other objects which may impede or otherwise interfere with the ready access by the District to any portion of the recycled water distribution system owned by the District unless otherwise authorized by Board action. Any such obstruction, upon the written request of the General Manager, shall immediately be removed by the violator at no expense to the District or shall be removed by the District at violator's expense, and shall not be replaced.

**3.14 Continuity of Service**

The District shall not be liable for any interruptions, shortage, or insufficiency of recycled water supply or for pressure at the customer's point of connection, or for any loss or damages occasioned thereby.

**3.15 Street Work:**

- a. When an authorized contractor who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower, or otherwise affect any portion of the recycled water distribution system owned by the District, the contractor performing such street construction shall give at least seven (7) days advance notice in writing to the District and to the affected Home Owners Association of the contractor's intention to perform such construction and immediate notice upon exposure or contact with such system.
  
- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's recycled water distribution system, which is necessitated by the street construction. Prior to the District performing the construction on its recycled water distribution system, the person requiring the street construction shall pay to the District a reasonable deposit in an amount not to exceed the estimated cost of the District's construction. When the District completes its construction, the District shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the person requiring the construction shall pay the amount, if any, by which the actual costs of construction exceeds the deposit.

- c. The contractor performing the street construction shall be liable for any damage to the District's recycled water distribution system resulting from the street construction or from the contractor's construction on the District's recycled water distribution system.

**3.16 Contractors Hired by the District**

Portions of this Chapter may be waived by the General Manager for contractors hired by the District to construct any part of the District's recycled water distribution system.

**3.17 Delegation of Authority**

The General Manager shall have the authority to delegate the performance of any of the General Manager's responsibilities to any District employee or independent contractor.

**3.18 Recycled Water Standards**

All procedures, design, work, materials, capacities, facilities and other improvements on recycled water facilities or connections, subject to the provisions of this Chapter, shall be in accordance with the following District standards as applicable to District owned facilities or residential and non-residential sites:

- a. Recycled Water Use Guidelines
- b. Recycled Water System Design and Construction Standards
- c. Standard Details

In addition, any work associated with recycled water facilities or connections shall be subject to applicable provisions of the latest revisions of State and Local regulations and generally accepted standards of recycled water works practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with any District standards. Such regulations and standards are included in, but not necessarily limited to, the following references:

California Department of Health Services Titles 17 and 22 of the California Administrative Code

California Safe Drinking Water Act

California State Building Code (Cal Green) Title 24

Uniform Plumbing Code (National)

American Water Works Association

## **SECTION 4.00 Connection To and Construction of Recycled Water Facilities**

### **4.01 In General**

Nothing in this Chapter shall be construed as preventing or limiting the right of the District to require or undertake the preparation of engineering, economic, environmental, or financing evaluation from any person requesting recycled water service from the District, which service necessitates the installation of recycled water facilities and thereafter to require the construction of such facilities as a condition of service, all without cost to the District.

### **4.02 Requirement of Meters**

Following the effective date of this Chapter, every connection made to the District recycled water distribution system or recycled water service connection shall provide for and include a meter. The meter shall be supplied, approved and/or installed by the District prior to the time the owner connects to the District's recycled water distribution system.

### **4.03 Installation of Recycled Water Service Connections and Meters**

- a. Whenever practicable, the recycled water service connection from the recycled water main to the customer's property line shall be installed by a District Authorized Contractor at the time the main is constructed.
- b. Main line extensions, recycled water service connections and meters shall be installed only after the District's issuance of a permit and after payment by the customer of all District fees and charges.
- c. Main line extensions, recycled water service connections and/or meters shall be installed, at the District's option, either by the District or by contractors hired by the District or under the supervision of District employees.
- d. When main line extensions, recycled water service connections or meters are not installed by the District, the main line extension, recycled water service connection or meter shall be installed only by bonded contractors licensed to perform such installation.

- e. When the District determines that any installation shall be performed by the District or person hired by the District, the applicant shall pay in advance an amount of funds equal to the approximate costs of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of any funds paid by the applicant or, if applicable, the applicant shall pay the amount, if any, by which the actual costs exceeded the applicant's deposit.

**4.04 Size of Recycled Water Service Connection and Meters**

- a. The size of the recycled water service connection shall be approved by the District in advance. Except when otherwise specifically approved by the District, the maximum size for a single-family recycled water service connection shall be one inch.
- b. The size of the meter serving a premise shall be approved by the District in advance of service. The standard size recycled water meter serving a mobile village lot and townhouse lot shall be a 5/8 inch or 3/4 inch meter, for all other residential lots, it shall be a 3/4 inch or 1 inch meter.

**4.05 Installation of Customer Recycled Water Line**

The customer shall, at the customer's own expense, install according to District standards and using a District authorized contractor, the customer's recycled water line. The private recycled water line shall remain the sole property of the customer.

**4.06 Financial Responsibility for Installation of Recycled Water Facilities**

An applicant who installs or causes to be installed, any part of the District's recycled water facilities, shall be financially liable for the costs of installation and all incidents thereof.

**4.07 Relocation of Recycled Water Facilities at Customer's Request**

Upon a customer's written request, recycled water facilities may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's recycled water distribution system. The cost of the relocation shall be borne by the customer and shall be payable in advance to the District. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the District), design, installation, inspection, administration, overhead, and any other necessary related expenses.

**4.08 Relocation of Recycled Water Service Connection at District's Request**

Where a recycled water service connection is relocated for the convenience or protection of the District, the relocation shall be at the expense of the District provided such relocation is not made necessary by the customer.

**4.09 Change of Recycled Water Meter at Customer's Request**

- a. A customer may apply in writing to the District to change the size of an installed meter.
- b. If the existing recycled water service connection is adequate to service the proposed change in meter size and the District determines that the change is necessary or advisable, the District shall authorize the change. Before the meter is changed, the customer shall pay all applicable fees and charges to the District.
- c. If the existing recycled water service connection is inadequate to serve the proposed meter change, the recycled water service connection shall be changed at the customer's expense. Before the meter and recycled water service connection are changed, the customer shall pay all applicable fees and charges to the District.

**4.10 Separate Recycled Water Service Connection**

Separate premises, whether owned by the same or different persons, shall not be supplied with recycled water through the same recycled water service connection.

**4.11 Division of Presently Serviced Premises**

When premises currently serviced by the District's recycled water distribution system are divided into two or more premises, unless otherwise agreed to by the District, the existing meter and recycled water service connection shall be considered to belong to the premise which the meter or recycled water service connection most directly enters and the new premises shall require the installation of additional meter(s) and recycled water service connection(s) and payment of all applicable fees and charges.

**4.12 Recycled Water Plans**

- a. Each application for a recycled water permit, for which installation of recycled water facilities is necessary, shall be accompanied by three (3) sets of plans and specifications for the installation and one electronic version in District approved software format.



- b. The plans shall be the exclusive property of the District.
- c. The General Manager or Engineer shall determine the adequacy of the proposed recycled water facilities as to size, type and quality of materials, and as to the location of facilities to serve the proposed development, including off-tract pipelines and other appurtenances.
- d. The General Manager or Engineer shall certify in writing whether the plans and specifications submitted conform to District Recycled Water System Design and Construction Standards.

**4.13 Easements and Rights-of-Way**

- a. Any applicant who installs, or proposes to install, recycled water facilities shall furnish the District all necessary easements and rights-of-way for such facilities and the subsequent operation and maintenance thereof.
- b. If the applicant cannot finish the necessary easements and rights-of-way, the District may, at its sole option, acquire such easements and right-of-way, subsequent to the applicant's payment to the District of all funds necessary to cover the District's cost of such acquisition.
- c. Until the necessary easements and rights-of-way have been properly executed and recorded, the District shall not approve any plans for recycled water facilities to be constructed by one person across the property of another person. The District shall not accept for public use any such recycled water facilities and no person shall place such facilities into use.

**4.14 Performance Bond**

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the recycled water facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of the recycled water facilities constructed by the applicant for a

period of one year following the District's written acceptance of the work.

**4.15 Liability**

The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising during or stemming from, the performance of any work by an applicant. The applicant shall be answerable for, defend, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and interest, incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss, which may develop therefrom.

**4.16 Dedication Requirements**

An Offer of Dedication of the recycled water facilities, excluding any private water lines, shall be included in any application for a recycled water permit. The District shall not accept for dedication any portion of the recycled water facilities, which are not constructed in conformity with the requirements of the main line extension agreement, if any, and of this Chapter.

**4.17 As-Built Plan**

Two (2) sets of drawings and one (1) electronic version delineating as-built recycled water lines and appurtenances shall be filed with the District, prior to and as a condition of, the District's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.

**4.18 Inspection of Construction**

- a. The District shall have the right to inspect all work on the recycled water distribution system downstream of the point of connection on the customer side of the meter during and subsequent to its construction. When construction is completed, the work must be inspected and approved, in writing, by the District before the newly constructed facilities may be connected to the District's recycled water distribution system. Each site will be inspected to ensure prevention of any cross connection between the water and recycled water systems. No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's system unless the District has performed tests indicating the new construction is satisfactory and the

facilities have been cleaned of any debris accumulated from construction operations.

- b. The applicant shall give the District at least forty-eight (48) hours advance notice, Saturdays, Sundays and holidays excluded, of when it wishes the District to perform an inspection of any part of the recycled water system. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project.

#### **4.19 Certificate of Final Inspection and Completion**

When the District determines that a work done; under the recycled water permit and a recycled water main line extension agreement, if any, has been constructed according to and meets the requirements of all applicable provisions of this Chapter, the agreement, and other District rules and regulations, and when any fees have been paid, the General Manager, subject to any procedure which may be adopted by the Board, shall authorize the issuance of the Certificate of Final Inspection and Completion.

#### **4.20 Ownership Upon Dedication**

When the Certificate of Final Inspection and Completion is issued, the District shall accept the Offer of Dedication and authorize the connection of the new recycled water facilities. Upon connection to the District's recycled water distribution system, the new recycled water facilities, excluding recycled private water lines, shall become the exclusive property of the District.

#### **4.21 Testing of Backflow Devices**

Pursuant to County Ordinance, certain categories of District customers are required to install, maintain and test annually backflow devices. Provided District has personnel who are certified to perform the annual testing, upon the customer's request, the District will perform the annual testing on a time-and-materials basis charged to the customer and collectible as any other District fee. Otherwise, the annual backflow testing shall be performed by a certified third party vendor.

### **SECTION 5.00 Recycled Water Main Line Extensions**

#### **5.01 Recycled Water Main Line Extension**

Any person requesting recycled water service from the District, which necessitates an extension of the District's recycled water main line, shall apply to the District for a recycled water main line extension agreement on the forms prescribed by the District.

**5.02 Formation of an Assessment District**

At the District's sole discretion, the District may utilize any statutory or other procedure concerning assessment districts to finance the construction of the recycled water main line extension, metered recycled water service connections and related appurtenances.

**5.03 Size of New Recycled Water Main Line**

The District may require the installation of a recycled water main line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger recycled water main line, the District shall either:

- a. Pay the difference in cost, as determined by the District, between the size necessary to service the applicant's construction and the larger recycled water main line;
- b. Perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover the cost of installation, and other necessary expenses, of the recycled water main line required by the applicant;
- c. Require the applicant to construct the larger recycled water main line subject to reimbursement as hereinafter provided.
- d. A combination of the foregoing.

**5.04 Reimbursement for Extension**

When an applicant enters into a recycled water main line extension agreement with the District, which requires the installation of a recycled water main line larger than that necessary to adequately serve the applicant's property, the agreement shall provide for a refund to the applicant as follows:

- a. Within the limits specified herein, when the recycled water main line extension has been installed at the applicant's sole expense, the applicant shall be eligible for reimbursement of applicant's cost based upon the applicant's and other customer's pro rata use, as determined by the District, of the extension.
- b. The District shall levy on all customers connecting into the extension financed by applicant; a fee determined by the District and based on the connecting customer's pro rata use of the extension and the actual cost of the extension.

- c. Within ninety (90) days of the District's receipt of any money pursuant to Section 5.04(b), the District shall pay such money to the applicant.

**5.05 Pre-Existing Recycled Water Main Line Extension Agreements**  
Notwithstanding any section of this Chapter, all recycled water main line extension agreements, on or before adoption of this recycled water code, shall be governed by the rules under which the pre-existing recycled water main line extension agreements were made at the time of execution of that particular agreement.

## **SECTION 6.00 Recycled Water Permits and Fees**

**6.01 Recycled Water Permit Required**  
No persons, other than those specifically excluded by this Chapter, shall uncover or cause to be uncovered, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to or cause to be connected to, any public recycled water main or other portion of the recycled water distribution system or services owned by the District without first obtaining a recycled water permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

**6.02 Application for Recycled Water Permit**  
Any person legally entitled to apply for and receive a recycled water permit shall make application for a recycled water permit on forms provided by the District for that purpose. Any applicant shall describe the proposed construction and location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require, in addition to the information specified, any additional information from the applicant, which will enable the General Manager to determine that the proposed connection complies with the provisions of this Chapter.

**6.03 Unauthorized Usage of Recycled Water Permit**

- a. Upon prior written approval of the District, a person to whom a recycled water permit has been issued may transfer such permit to another person solely for the same use and premise for which the recycled water permit was issued, subject to all terms and conditions under which the recycled water permit was issued. The transferee shall meet all requirements of the District relating to the transfer.
- b. Usage of recycled water permit for a premise other than the premises for which the recycled water permit was issued shall be unauthorized usage and shall render the recycled water permit void and invalid.

- c. A person engaging in an unauthorized use of the recycled water permit shall apply to the District for an appropriate recycled water permit. If the District issues the recycled water permit, the applicant shall pay the appropriate current fees and charges.

**6.04 Persons Excluded From This Section**

The provisions of this Section 6.00 may be waived by the General Manager for contractors constructing recycled water facilities or improvements under contract with the District, or under contract awarded by the District under proceedings pursuant to any of the special procedure statutes of the State providing for the construction of recycled water facilities and assessing of the expenses thereof against the lands benefited thereby.

**6.05 Plan Checking**

No recycled water permit shall be issued until the District has checked and approved the plans in accordance with the applicable provisions of this Chapter.

**6.06 Payment of Fees and Charges**

No recycled water permit shall be issued until all fees and charges in connection therewith are paid to the District.

**6.07 Applicant's Agreement to Comply with Code**

The applicant's signature on an application for a recycled water permit or the applicant's acceptance of any recycled water permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's Recycled Water Code, with all other rules and regulations of the District, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the District in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest, and may be altered only by the District in writing upon the applicant's written request.

**6.08 Time Limits on Recycled Water Permits**

If work under a recycled water permit is not commenced within six (6) months from the date of issuance of such permit or if, after commencing, the work is discontinued for a period of one (1) year, the recycled water permit shall become void and no further work shall be undertaken until a new recycled water permit shall have been secured and a new fee paid therefore at applicable rates then in effect.

## **SECTION 7.00 Recycled Water Rates and Charges**

### **7.01 Recycled Water Service When Recycled water Service Connection is Adequate**

Where an existing and adequate recycled water service connection and/or meter are properly connected to the District's recycled water distribution system, and which is or has been legally servicing the premises or for which a District recycled water permit has been issued, an applicant for recycled water service from the District shall be entitled to such service after the applicant submits an appropriate application to the District, and complies with all other District regulations. However, if the applicant is delinquent in any bills to the District, the applicant shall pay such bills in full, prior to receiving District recycled water service.

### **7.02 Recycled Water Service When Recycled Water Service Connection Is Inadequate**

Prior to recycled water being available, potable water will be supplied in lieu of recycled water via recycled water distribution and service lines. Once the District has sufficient recycled water supply and system capacity to supply recycled water, all parcels connected to the recycled water system shall accept recycled water. The District shall notify in advance their schedule for furnishing the recycled water service subsequent to the applicant's construction and when sufficient recycled water supplies have become available. The District shall furnish the recycled water service, when available, subsequent to the applicant's construction, or payment for the construction of the necessary portions of the distribution system; the applicant's payment of all fees to the District; the applicant's compliance with all District rules and regulations; and the applicant's payment in full of all delinquent charges, if any, owed to the District. The applicant must also be in compliance with all District rules and regulations for recycled water use by the time recycled water service is deemed adequate and service is initiated.

### **7.03 Rates and Fees**

The District will determine all recycled water rates, fees and charges concerning recycled water service. These may be changed at the discretion of the District and may be subject to the same conservation pricing levels as potable water to encourage efficient water use. The rates, fees and charges shall be determined by Board Resolution.

## **SECTION 8.00 Special Types of Recycled Water Service**

### **8.01 Recycled Water Service Outside District**

- a. The District may provide or allow recycled water service to persons outside its boundaries when the

Board finds that such service shall not adversely affect the recycled water service within the District and that a surplus supply of recycled water and recycled water facility capacity exists.

- b. In the event that, because of increased usage or other causes, service outside the District becomes adverse to the District's interest or the interest of District customers located within the District or surplus recycled water and/or pipeline capacity is no longer available for such outside use, the District may discontinue or disconnect the service outside the District 120 days after the District gives written notice to the person or premises receiving the recycled water that such outside service is to be terminated.
- c. Except as set forth in this Section, the rules and regulations of the District shall apply to all customers outside the District.
- d. The rates, fees and charges for recycled water service outside of District boundaries are to be determined by future Board Resolution.
- e. Prior to receiving recycled water service, a customer outside the District shall deposit an amount equal to three (3) months of the District's applicable rates for recycled water service.
- f. The supply of recycled water to persons outside the District shall not create a vested right with the person outside the District to continue to receive recycled water service from the District for any credit or refund for improvements made to receive such recycled water service.

## **8.02 Temporary Recycled Water Service**

Before temporary service is supplied through a recycled water service connection, the applicant shall obtain a recycled water permit or other written approval from the District.

- a. The applicant for temporary recycled water service shall pay the charges to be set forth by a future Board resolution.
- b. Temporary service may be interrupted for testing or other conditions deemed necessary by the District.



## **SECTION 9.00 Collection of Recycled Water Rates and Enforcement Provisions**

The collection and enforcement provisions related to recycled water rates, fees and charges are to be determined by future Board Resolution.

## **SECTION 10.00 Recycled Water Use Efficiency**

### **10.01 Definitions**

As used in Section 10.00, the following terms shall have the specified meanings.

- a. Pressure Reducing Valve  
Pressure reducing valve shall mean a valve device, which regulates recycled water pressure to structures and is designated to permit the pressure for use within that structure.
- b. Public Use  
Public use shall mean all commercial or industrial establishments, including restaurants, bars, public buildings, comfort stations, schools, gymnasiums, or other places to which the public has access or which are frequented by the public with or without special permission or invitation, and installation where both free and pay fixtures are installed so that the fixtures' use is similarly unrestricted.
- c. Self-Closing Valve  
Self-closing valve shall mean a valve device designed to close by spring or by recycled water pressure when left unattended.
- d. Weather Based Irrigation Controller  
An irrigation controller that has automated watering schedules using climate or soil moisture sensing capability in accordance with requirements of the California Building Standards CalGreen Code.
- e. Landscape Area  
Landscape area means all the planting areas, turf areas, and water features in a landscape design plan. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

- f. Dedicated Irrigation Meter  
A meter used to measure recycled water only used for outdoor irrigation purposes and which can serve as the basis for applied water to the landscape area used in comparison to a water budget for the same area.
  
- g. Runoff  
Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope runoff is strictly prohibited.

**10.02      Recycled Water Waste**

No person shall cause or permit any recycled water furnished to the person's premises by the District to run to waste as defined in Section 11.00. The District may, pursuant to the requirements of Section 13.00, disconnect the District's service to any premises and/or customer for the customer's failure to comply with this Section. The District may inspect or install test meters in un-metered service to determine compliance.

**10.03      Outdoor Conservation Devices Required on New or Remodeled Landscapes**

All landscaped area that requires a Sacramento County Building or Home Owner's Association (HOA) review and/or permit that are connected to the District recycled water distribution system, after the effective date of this Chapter, shall be constructed pursuant to the California State Building Codes otherwise known as the "CalGreen Code" and any replaced or remodeled irrigation equipment shall be District-approved water efficient equipment, and be USEPA WaterSense labeled products. Pressure reducing valves shall be installed on landscape or dedicated irrigation connections where District approved improvement plans call for such installation in accordance with District Standards.

**10.04      Conservation Devices Required on New or Remodel Public Landscaped Areas or Facilities**

All new public users or users remodeling landscaped area or any facilities that may benefit from recycled water use that require a Sacramento County building permit and are connected to the District recycled water distribution system after the effective date of this Chapter, shall be equipped with District-approved water efficient equipment pursuant to the California State Building Codes otherwise known as the "CalGreen Code" and be USEPA WaterSense labeled products. Pressure reducing valves shall be installed on new

public use facilities where District approved improvement plans call for such installation in accordance with District Standards.

## **SECTION 11.00 Recycled Water Waste**

### **11.01 Illegal Discharge of Recycled Water**

Discharge of recycled water for any purpose, including approved uses, in areas other than those authorized, is prohibited.

### **11.02 Determination of Wasteful Uses of Recycled Water**

It shall be unlawful for any person to waste recycled water as defined in this Section 11.00. Violations will be based on observation(s) and documentation of waste by District staff, including up not limited to evidence of a continually running recycled water meter readings and/or physical inspection, and/or visual observation of the occurrence. Violations are subject to the enforcement and penalty provisions in Section 13.00.

### **11.03 Repair of Leaky Outdoor Fixtures**

It shall be unlawful for any person to maintain or allow on the person's premises leaky or faulty recycled water using equipment or devices to which District recycled water is supplied, so that District recycled water is wasted thereby. Failure to repair or disconnect such leaky or faulty devices within seven (7) days after being notified in writing to do so by the District, shall be sufficient cause for the District to disconnect its water service for such premises, pursuant to the requirements of Section 13.00, until the repairs have been made. At the discretion of the District, the customer may be informed in writing that the leak must be repaired more quickly, in which case the customer shall repair the leak in the time specified by the General Manager.

## **SECTION 12.00 Drought Response**

The General Manager may restrict or interrupt service supplied using District recycled water in response to a District declared drought based on the provisions outlined in the District Board adopted Water Shortage Contingency Plan. The Board of Directors shall make the final drought declaration and service interruption, if any, upon public review of the General Manager's drought response.

## **SECTION 13.00 Enforcement, Disconnection and Restoration of Service**

### **13.01 Enforcement**

The General Manager shall enforce the provisions of this Chapter and, for such purposes, shall have the powers of a peace officer, if deputized or if authorized by law. Such power shall not be regarded as limitations on or otherwise affecting the powers and duties of the County Health Officer.

**13.02 Violation of Chapter**

In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento, or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation and the General Manager shall have the authority to issue penalties and/or disconnect the property served from the District recycled water distribution system, in the manner set forth herein.

**13.03 Penalties**

The goal of the provisions of this chapter are to achieve voluntary compliance from the customer, and the District will take reasonable measures to assure the customer has information available to promptly and efficiently address recycled water use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows:

<b>Violation</b>	<b>Penalty</b>
First	Personal or written notification of the violation
Second	Written notification and issuance of a notice to correct
Third	Issuance of an administrative penalty of \$100
Fourth	Issuance of a penalty of \$200
Fifth	Issuance of a penalty of \$500
Final	Disconnected water service and/or other penalties as provided in the notice of violation and as determined by the General Manager.

**13.04 Penalties in Times of Water Shortage**

In addition to any other penalties provided by this chapter, if a customer of the District recycled water system violates any of the recycled water use restrictions as set forth in the Water Shortage Contingency Plan, and such conditions are not corrected within five (5) days after the customer is given written notice, the District is authorized to bill the customer, as a penalty, at twice the metered rate during the time that the violation continues and the penalties listed above in Section 13.03 may be increased by up to 100%.

### 13.05

#### **Appeal**

There shall be no appeal of the recycled water use restrictions identified in this Chapter or the Water Shortage Contingency Plan. Any appeal of other matters or decisions of District staff shall be appealable in writing to the General Manager within ten (10) days and if still unresolved a second appeal may be sent in writing to the District Board of Directors within ten (10) days of the General Manager's decision.

### 13.06

#### **Variances**

In unusual circumstances, application of this chapter may cause unnecessary hardships or results inconsistent with this chapter's purposes and intent. Therefore, variances to some of the requirements of this chapter may be appropriate as described below:

a. Authority to Grant Variances

The General Manager may grant variances to recycled water use restrictions provisions as specified in the Water Shortage Contingency Plan.

b. Other Variances

Customers who seek a variance from this chapter for any reason shall submit to the District a written request for variance, setting forth, in detail, the extraordinary circumstances that support the application. The General Manager may approve the application in his or her discretion; provided, that the variance allows the applicant to use only the minimum amount of recycled water in addition to that allowed by this chapter that the General Manager reasonably believes is necessary to satisfy the circumstances that support the application. Any such variance shall terminate one (1) year after its issuance, subject to an application for its renewal.

### 13.07

#### **Disconnection**

As an alternative method of enforcing the provisions of this or any other Chapter, rule or regulation of the District, the General Manager shall have the authority to disconnect the customer from the District's recycled water distribution system, without liability to the District, in the following manner:

a. At least ten (10) days before the proposed disconnection of any recycled water service, a customer shall be provided with written notice of the procedure for the availability of an opportunity to discuss the reasons for the proposed disconnection of recycled water service.

b. After notice has been given as specified in subparagraph (a) and prior to disconnection of recycled

water service, a customer shall have the opportunity to discuss the reason for the disconnection with an employee designated by the District who shall be empowered to review disputed bills, rectify errors and settle controversies pertaining to disconnection of recycled water service.

- c. No recycled water service shall be disconnected by reason of delinquency in payment of bills on any Saturday, Sunday, legal holiday, or any time during which the District's office is not open to the public.

**13.08 Settling Disputes**

The General Manager is hereby authorized to review disputes pertaining to any matters for which recycled water service may be disconnected and to adjust errors and settle disputes.

**13.09 Public Nuisance and Abatement**

During the period of disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the District to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and as a condition of restoring service, the District shall be paid reasonable attorney's fees and costs arising from such action, plus any other necessary charges for or incurred in the restoration of service.

**13.10 Restoration of Recycled Water Service**

When recycled water service under this Chapter has been disconnected for any reason, the recycled water service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnecting and restoring the recycled water service, plus a seventy-five dollar (\$75.00) restoration fee.

**13.11 Recovery of Costs**

In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.

**13.12 Means of Enforcement Only**

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations and not as a penalty.

**13.13 Cumulative Remedies**

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

**13.14 Misdemeanor**

A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of day that a violation of the Chapter continues, shall be deemed a separate offense hereunder and shall be punishable as such.

**13.15 Other Emergencies**

Nothing in this chapter limits, or may be construed as limiting the availability of recycled water for meeting the demands of any emergency or routine inspection and maintenance of the recycled water distribution system or recycled water private lines.

**SECTION 14.00 Severability**

The Board hereby declares that it would have passed this Ordinance and thereby adopted this Chapter or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the Ordinance of the application thereof to any person or circumstances is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application of such provisions to other persons or circumstances.