

# **RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

DISTRICT CODE

CHAPTER 14

## **THE WATER CODE**

INSTALLATION, CONNECTION AND USE OF THE DISTRICT  
WATER SYSTEM



Amended August 21, 2019  
By Ordinance 2019-03

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# DISTRICT CODE

## CHAPTER 14

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

#### SECTION 1.00 General Provisions

##### 1.01 Title

This Chapter shall be known as the “Water Code” and may be cited as such.

##### 1.02 Scope of Service

The provision of this Chapter shall apply to water supply and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of public water mains, reservoirs, 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 water service is being requested.

##### 2.02 Board

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

##### 2.03 Business Service

Business Service shall mean the provision of water for use in connection with commercial premises devoted primarily to operations for profit including offices, stores, markets, apartments, hotels, motels, automobile trailer parks, or courts, service stations and the like.

##### 2.04 Customer

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

##### 2.05 Distribution System

Distribution System shall mean the system of the pipelines and other appurtenances by which the District conveys water to its customers.

##### 2.06 District

District shall mean the Rancho Murieta Community Services District.

##### 2.07 Flat Rate Service

Flat Rate Service shall mean the provision of water in unmeasured quantities for a fixed periodic charge.

##### 2.08 Industrial Service

Industrial Service shall mean the provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.

**2.09 Main or Water Mains**

Mains or Water Mains shall mean the portion of the distribution system, which is located in streets, highways, public ways or easements, which are used to supply water to the District's customers.

**2.10 General Manager**

General Manager shall mean the General Manager of the Rancho Murieta Community Services District.

**2.11 Metered Service**

Metered Service shall mean the provision of water in measured quantities for a charge based on the quantity of water supplied.

**2.12 Metered Service Connection**

Metered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including the tap, meter, meter box, pipe, corporation stop, curb stop or shut-off valve.

**2.13 Multiple Dwelling**

Multiple Dwelling shall mean premises with two or more dwellings for persons independently occupying such dwellings. (Amended by Ordinance 85-1)

**2.14 Permits**

Permits shall mean the District's written approval or authorization for an action. A 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.

**2.15 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.

**2.16 Private Water Line**

Private Water Line shall mean the portion of the distribution system located on the customer's side of the service connection.

**2.17 Residential Service**

Residential Service shall mean the provision of water for household purposes, including water used on the premises for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.

**2.18 Service Connection**

Service Connection generally means the pipe, valves and other facilities by which water is conveyed from the 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.

**2.19 Un-Metered Service Connection**

Un-Metered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including tap, pipe, corporation stop, curb stop or shut-off valve.

**2.20 Water Conservation or Water Use Efficiency**

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 plumbing fixtures or appliance upgrades to perform the same function) or (b) change in use of the appliance or fixture that results in reduced demand (e.g., customer behavioral change). (Amended by Ordinance 2011-04)

**2.21 Water Facilities**

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

**2.22 Wasteful Uses of Water**

Generally means customer water use that is not going to beneficial and reasonable uses. For example, excessive water runoff, leaky fixtures, etc. as defined in Section 11.01.

**SECTION 3.00 GENERAL POLICIES**

**3.01 General Policy of Operating System**

The District shall operate and maintain the water system in an efficient and economical manner and supply 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 water including, but not limited to, the costs for the following: (amended by Ordinance 2011-04)

- a. Purchasing, pumping, treating, storing, transmitting and distributing 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 Distribution System**

The District shall be responsible for operating, maintaining, and replacing all portions of the distribution system, which are owned by the District. The District shall not be responsible for operating, maintaining or replacing that portion of the distribution system not owned by the District. The installation of a District measuring device upon private property or within a portion of the 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 water meter and the responsibility beyond the water meter is the property owners. If the water service is connected to a private line, the District's responsibility stops at the valve on the District's main.

**3.03 Unauthorized Use of District Water**

No person shall supply water to any person or to any premises except as authorized by District permit or as approved in writing by the District.

**3.04 District Ownership and Control**

The portion of the distribution system, including the water main, 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.

**3.05 Private Water Lines**

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

**3.06 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.

**3.07 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 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.

**3.08 Fraudulent Use of Service**

When the District has discovered that a customer has obtained 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.

**3.09 Inspection of Customer-Owned Property**

A customer's private 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 water line.

**3.10 Interference with District Employees**

Except as provided in Section 3.09 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 distribution system owned by the District.

### **3.11 Obstructions Prohibited**

No person shall place or cause to be placed on any 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 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. *(Amended by Ordinance 2011-04)*

### **3.12 Continuity of Service**

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

### **3.13 Street Work**

- a. When a person 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 distribution system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person'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 distribution system, which is necessitated by the street construction. Prior to the District performing the construction on its 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 person performing the street construction shall be liable for any damage to the District's distribution system resulting from the street construction or from the person's construction on the District's distribution system.

### **3.14 Contractors Hired by the District**

Portions of this Chapter may be waived by the General Manager for persons hired by the District to construct any part of the District's distribution system. *(Amended by Ordinance 2011-04)*

### **3.15 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.

### **3.16 Standards**

All procedures, design, work, materials, capacities, facilities and other improvements shall be based on the applicable provisions of the latest revisions of State and Local regulations and generally accepted standards of water works practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with District standards. Such regulations and standards are included in, but not necessarily limited to, the following references (*Amended by Ordinance 2011-04*):

Waterworks Standards of the 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

California Model Water Efficient Landscape Ordinance (Assembly Bill 1881, Laird)

Uniform Plumbing Code (National)

Uniform Fire Code

American Water Works Association

United States Environmental Protection Agency's (USEPA) WaterSense Program

### **3.17 Lake/Reservoir Use Regulations:**

*(Added by Ordinance 92-3) (Amended by Ordinance O2018-01)*

- a. Wastes Prohibited into Lakes/Reservoirs: No person shall discharge or cause to be discharged any of the following wastes in any of the lakes/reservoirs:
  1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.
  2. Any waste containing toxic or poisonous solids, liquids or gases.
  3. Any waste having a pH lower than 5.5 or having any other corrosive properties.
  4. Any waste such as, but not limited to: rubbish, ashes, shavings, metals, glass, lawn clippings, leaves, plastics, woods, garbage, pet waste, sewage, etc.
  5. Any waste such as insecticides, pesticides, fertilizers weed killers, etc.
  6. Any material or substance without prior District approval, including highly turbid water, a measured value of >100 NTU or as Determined by District.
- b. Activities Prohibited in Lakes/Reservoirs. The following activities are either prohibited or restricted as described on or in the lakes/reservoirs as follows:
  1. Fishing with live bait (all lakes/reservoirs).
  2. Boating with any motor other than an electric (all lakes/reservoirs).
  3. Swimming or wading by humans and domestic animals (except Clementia Reservoir).
  4. Any introduction of invasive or non-native species.
- c. Responsibility

It is the responsibility of the users of the lakes/reservoirs to comply with the requirements as set forth in this section.

d. Enforcement

Enforcement of this Section will be performed by the District's General Manager in accordance with the provisions of Section 13.00 of this Chapter.

## **SECTION 4.00 Connection to and Construction of Potable 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 water service from the District, which service necessitates the installation of 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 distribution system or 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 distribution system.

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

- a. Whenever practicable, the service connection from the water main to the customer's property line shall be installed at the time the main is constructed.
- b. Main line extensions, 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, service connections and/or meters shall be installed, at the District's option, either by the District or by persons hired by the District or under the supervision of District employees.
- d. When main line extensions, service connections or meters are not installed by the District, the main line extension, 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 or Service Connection and Meters**

- a. The size of the 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 service connection shall be one inch. *(Amended by Ordinance 85-1)*
- b. The size of the meter serving a premise shall be approved by the District in advance of service. The standard size water meter serving a mobile village lot and townhouse lot shall be 3/4-

inch meter or larger, for all other residential lots, it shall be 1 inch or larger meter, to be able to supply necessary fire flows. *(Amended by Ordinance 2011-04)*

**4.05 Installation of Private Water Line**

The customer shall, at the customer's own expense, install according to District standards, the customer's private water line. The private water line shall remain the sole property of the customer.

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

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

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

Upon a customer's written request, 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 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. *(Amended by Ordinance 85-1)*

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

Where a 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 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 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 service connection is inadequate to serve the proposed meter change, the service connection shall be changed at the customer's expense. Before the meter and service connection are changed, the customer shall pay all applicable fees and charges to the District.

**4.10 Separate Service Connection**

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

**4.11 Division of Presently Serviced Premises**

When premises currently serviced by the District's distribution system are divided into two or more premises, unless otherwise agreed to by the District, the existing meter and service connection shall be considered to belong to the premise which the meter or service connection most directly enters and the new premises shall require the installation of additional meter(s) and service connection(s) and payment of all applicable fees and charges. *(Amended by Ordinance 85-1)*

**4.12 Plans *(Amended by Ordinance 2011-04)***

- a. Each application for a permit, for which installation of water facilities is necessary, shall be accompanied by three (3) sets of plans and specifications for the installation.

- b. The plans shall be the exclusive property of the District.
- c. The General Manager or Engineer shall determine the adequacy of the proposed 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 standards.

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

- a. Any applicant who installs, or proposes to install, 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 water facilities to be constructed by one person across the property of another person. The District shall not accept for public use any such 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 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 water facilities constructed by the applicant for a period of one year following the District's written acceptance of the work. *(Amended by Ordinance 85-1)*

#### **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 there from. *(Amended by Ordinance 2011-04)*

#### **4.16 Dedication Requirements**

An Offer of Dedication of the water facilities excluding any private water lines shall be included in any application for a permit. The District shall not accept for dedication any portion of the water facilities, which are not constructed in conformity with the requirements of the main line extension agreement, if any, and of this Chapter. *(Amended by Ordinance 85-1)*

#### **4.17 As-Built Plan**

Two (2) sets of blue-line prints and one (1) set of reproducible drawings delineating as-built 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 water distribution system 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 distribution system. 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. *(Amended by Ordinance 90-3)*
- 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. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project. *(Amended by Ordinance 90-3)*

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

When the District determines that a work done; under the permit and 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. *(Amended by Ordinance 85-1)*

#### **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 water facilities. Upon connection to the District's distribution system, the new water facilities, excluding 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. District personnel are certified to perform the annual testing and, upon the customer's request, will do so on a time-and-materials- basis charged to the customer and collectible as any other District fee. *(Added by Ordinance 89-1)*

### **SECTION 5.00 Main Line Extensions**

#### **5.01 Water Main Extension**

Any person requesting water service from the District, which necessitates an extension of the District's main line, shall apply to the District for a 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 main line extension, metered service connections and related appurtenances.

### **5.03 Size of New Main Line**

The District may require the installation of a main line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger 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 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 main line required by the applicant;
- c. Require the applicant to construct the larger line subject to reimbursement as hereinafter provided.
- d. A combination of the foregoing.

### **5.04 Reimbursement for Extension**

When an applicant enters into a main line extension agreement with the District, which requires the installation of a 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: *(Amended by Ordinance 89-2)*

- a. Within the limits specified herein, when the mainline 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. *(Amended by Ordinance 89-2)*
- 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. *(Amended by Ordinance 89-2)*
- 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. *(Amended by Ordinance 89-2)*

### **5.05 Pre-Existing Main Line Extension Agreements**

Notwithstanding any section of this Chapter, all main line extension agreements, on or before adoption of this water code, shall be governed by the rules under which the pre-existing main line extension agreements were made at the time of execution of that particular agreement.

## **SECTION 6.00 Permits and Fees**

### **6.01 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 water main or other portion of the distribution system or services owned by the District without first obtaining a permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

### **6.02 Application for Permit**

Any person legally entitled to apply for and receive a permit shall make application for a 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 Permit**

- a. Upon prior written approval of the District, a person to whom a permit has been issued may transfer such permit to another person solely for the same use and premise for which the permit was issued, subject to all terms and conditions under which the permit was issued. The transferee shall meet all requirements of the District relating to the transfer.
- b. Usage of permit for a premise other than the premises for which the permit was issued shall be unauthorized usage and shall render the permit void and invalid.
- c. A person engaging in an unauthorized use of the permit shall apply to the District for an appropriate permit. If the District issues the 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 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 water facilities and assessing of the expenses thereof against the lands benefited thereby. *(Amended by Ordinance 2011-04)*

### **6.05 Plan Checking**

No permit shall be issued until the District has checked and approved the plans in accordance with the applicable provisions of this Chapter. *(Amended by Ordinance 85-1)*

### **6.06 Payment of Fees and Charges**

No 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 permit or the applicant's acceptance of any permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's 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 Permits**

If work under 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 permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefore at applicable rates then in effect. *(Amended by Ordinance 2011-04)*

## **SECTION 7.00 Potable and Untreated Water Rates and Charges**

*(Amended by Ordinance 2012-01)*

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

Where an existing and adequate service connection and/or meter are properly connected to the District's distribution system, and which is or has been legally servicing the premises or for which a District connection permit has been issued, an applicant for 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 water service.

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

Where the installation or enlargement of a main line, service connection or meter is necessary prior to the District's supplying service to an applicant, the applicant shall submit a connection permit application to the District for service. If the District has sufficient water supply and system capacity to supply water, the District shall accept the application. The District shall furnish the water service 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.

**7.03 Installation Fees**

When the District installs a service connection or meter, the District shall collect a fee from an applicant prior to the installation of service connection and meters except for service under 8.02 for temporary water service. The installation of all service connections or meters shall be on the basis of actual average costs, labor and parts for the particular type of installation as determined from time to time by the General Manager and/or Board of Directors of the District. *(Amended by Ordinance 90-1)*

**7.04 Community Facility Fee**

The District shall collect from all applicants for water service under Section 7.02, a community facilities fee to ensure the continued availability of the facilities for water service through periodic system expansion and replacement. The community facilities fee shall be paid as specified in the Community Facilities Fee Code.

**7.05 Rates for Metered Service**

a. General metered service shall be as follows: *(Amended by Ordinance 2019-01)*

Basic Service Charge	\$ 37.97/mo
Reserve Contribution	<u>\$ 7.75/mo</u>
Total Basic Service Charge	\$45.72/mo

Usage charge per cubic foot:

Basic volumetric rate per cubic foot	\$ 0.0191/cu. ft.
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Debt service charge \$ 6.00  
 (applied to metered connections active prior to July 1, 2014)

b. Metered service to residential lots at Murieta Village shall be as follows: *(Amended by Ordinance 2019-01)*

Basic Service Charge	\$37.97/mo
Reserve Contribution	<u>\$ 7.75/mo</u>
Total Basic Service Charge	\$45.72/mo

Usage charge per cubic foot:  
Basic volumetric rate per cubic foot                      \$ 0.0191/cu. ft.

Debt service charge    \$ 6.00  
*(applied to metered connections active prior to July 1, 2014)*

c. Non-Residential metered service shall be as follows: *(Amended by Ordinance 2019-01)*

Monthly Charges

Basic service charge for non-residential metered service shall be calculated on number of meters and an EDU basis for each customer multiplied by the basic service charge reflected in Section 7.05 a. above.

Usage charge per cubic foot:  
Basic volumetric rate per cubic foot                      \$ 0.0191/cu. ft.

d. Zero Usage Billing

Residential and non-residential meters are billed based on actual water usage each month. In the event the water meter read is zero usage, the account will have an estimated usage charge equal to the usage as in the same month in the prior year. This usage amount will be billed at the current volumetric rate per cubic foot.

**7.06 Is hereby deleted and shall remain vacant.** *(Amended by Ordinance 93-1)*

**7.07 Service from Fire Hydrants**

Service hereunder is for water obtained from a fire hydrant for construction water or for other purposes (filling swimming pools). The applicant for such service shall pay under one of the following schedules: *(Amended by Ordinance 2011-01)*

a. For metered use:

1. A refundable deposit of \$1,000 for a fire hydrant meter to cover any repairs required to the meter resulting from use by the applicant.
2. A flat charge of the current year's residential metered lot rate per month, for each month or fraction of a month that the applicant has the service.
3. A consumption charge based on usage rate on a per 100 cubic feet basis.
4. A minimum billing in any month shall not be less than \$50.00.

b. For load counts: *(Amended by Ordinance 2011-01)*

1. A water truck load count or bulk water usage for other purposes shall be tallied and water charged at the current usage rate on a per 100 cubic feet.
2. Billings under one application in any one month shall be not less than \$50.00.

**7.08 Water Standby or Availability Charge**

The District shall fix, on or before the first day of July in each calendar year, and will annually collect a water standby or availability charge not to exceed ten dollars (\$10.00) per year for each acre of land, or ten dollars (\$10.00) per year for each parcel of land of less than an acre within the District to which water

is made available for any purpose by the District, whether the water is actually used or not. The District may establish schedules varying the charges depending upon factors such as the use to which the land is put, the cost of transporting the water to the land and the amount of water used by the land. *(Amended by Ordinance 2011-04)*

**7.09 Fees for Line Extension Applications and Plan Review**

Fees for line extension applications, plan reviews, and construction inspection shall be as established by the General Manager, based upon the reasonable costs of providing the service. *(Amended by Ordinance 88-8)*

**7.10 Rates for Use of Untreated Water**

*(Amended by Ordinance 88-8)* The charge for untreated water shall be the sum of each of the following four categories of charges, as applicable:

- a. For use of untreated water pumped from storage in Calero Reservoir \$38.16 per acre-foot.
- b. For water delivered by the District to its customers by means of the Cosumnes Irrigation Association Canal: *(Amended by Ordinance 2012-01)*

Base rate (Includes 375,000 cu ft.)	\$197.48/ month
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Volumetric rate (After first 375,000 cu ft.)	\$ 0.044/100 cu ft.
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- c. Water delivered from Bass Lake *(Amended by Ordinance 2012-01)*  
\$324.84 per month
- d. Water delivered from Laguna Joaquin:  
Volumetric rate \$ 0.11/100 cu ft.

**7.11 Inspection Fees**

- a. A fee based upon costs, labor and parts shall be paid to the District for issuing a permit and inspecting each water line. The amount of this fee shall be determined, from time to time, by the General Manager and/or Board of Directors of the District. *(Amended by Ordinance 90-3)*
- b. Inspection charges shall be paid prior to connection to the District’s distribution systems. *(Amended by Ordinance 90-3)*

**SECTION 8.00 Special Types of Potable or Untreated Water Service**

*(Amended by Ordinance 2011-04)*

**8.01 Water Service Outside District**

- a. The District may provide or allow water service to persons outside its boundaries when the Board finds that such service shall not adversely affect the water service within the District and that a surplus supply of water and water facility capacity exists. *(Amended by Ordinance 85-1)*
- 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 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 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. Rates and charges to all customers outside the District shall be one hundred fifty percent (150%) of the applicable rate and charges for customers within the District, as set forth in Section 7.00. No Capital Improvement Connection Fee (CICF) shall be charged for water service outside the District.
- e. Prior to receiving service, a customer outside the District shall deposit an amount equal to three (3) months of the District's applicable rates for water service.
- f. The supply of water to persons outside the District shall not create a vested right with the person outside the District to continue to receive water service from the District for any credit or refund for improvements made to receive such water service.

#### **8.02 Temporary Potable or Untreated Water Service**

Before temporary service is supplied through a fire hydrant or other connection, the applicant shall obtain a permit or other written approval from the District. *(Amended by Ordinance 2011-04)*

- a. The applicant for temporary water service shall pay the charges set forth in Section 7.07.
- b. Temporary service may be interrupted for fire, testing or other conditions deemed necessary by the District.

### **SECTION 9.00 Collection of Potable or Untreated Water Rates and Enforcement Provisions** *(Amended by Ordinance 2011-04)*

#### **9.01 Collection of Charges for Water and Other Services**

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided.

#### **9.02 Billing**

All water service accounts shall be billed monthly.

- a. Flat rate accounts shall be billed during the service period (approximately thirty (30) days) for which the bill is rendered.
- b. Metered accounts shall be billed in arrears; meters shall be read as nearly as possible at regular intervals.

#### **9.03 Persons Billed**

- a. The District shall bill the property owner directly for all water services provided the owner's premises. *(Amended by Ordinance 90-6)*
- b. The property owner shall be liable for payments of all District charges. *(Amended by Ordinance 90-6)*

#### **9.04 Due Date**

Bills for water service are due and payable when mailed. *(Amended by Ordinance 87-6)*

#### **9.05 Delinquency**

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District Office by the 25<sup>th</sup> day of the month following the month in which the bill was mailed. *(Amended by Ordinance 98-3)*

#### **9.06 Delinquencies – Basic Penalty**

- a. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
- b. After levying the basic penalty provided in Section 9.06(a), the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges, and penalties for collection on the County property tax roll as set forth in Section 9.09. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill. *(Amended by Ordinance O2019-03)*

#### **9.07 Payment of Part of Delinquency**

Monies paid where any portion of an account is delinquent, shall first be credited to the delinquent portion of the bill and then to current billing.

#### **9.08 Liens**

Unpaid water service charges imposed by this Chapter, when the charges are recorded, shall constitute a lien upon the parcel of real property to which the water service was supplied. The District shall include a statement on its bills to the effect that any water service charges and penalties thereon remaining unpaid shall, when recorded constitute a lien on the parcel to which the water service was supplied. The District may, from time to time, compile lists of such delinquent charges and record them with the County Recorder as liens, provided that the District shall first have given notice to the customer.

#### **9.09 Collection of Delinquent Charges with Taxes**

All rates, charges, penalties and interest, which remain delinquent, may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.

#### **9.10 Meter Testing**

The District may test meters at any time and shall test a meter upon the written request of a customer who first deposits twenty-five dollars (\$25.00) with the District. Testing will be in accordance with AWWA Standards, Manual of Practice, M6 for cold water service meters. If the test indicates the meter is registering within five percent (5%) of 100% accuracy, the testing fee shall be retained by the District to cover its cost of testing. If the test indicates the meter is more than five percent (5%) in error, the testing fee shall be refunded to the customer and the District shall repair or replace the meter at its discretion. If the meter error is in the District's favor, a supplemental bill may be rendered to the customer equal to

the difference between the customer's average bill for comparable service and the customer's actual bills for the preceding two billing cycles. *(Amended by Ordinance 2011-04)*

### **9.11 Adjustment of Bills**

The District staff or General Manager may adjust or grant credits from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer provided, however, that all parties affected shall have a right to appeal the District staff or General Manager's determination to the Board of Directors within fifteen (15) days after receipt of the General Manager's written decision. The decision of the Board of Directors thereon, shall be final and binding on all parties. *(Amended by Ordinance 2011-04)*

## **SECTION 10.00 Water Use Efficiency *(Amended by Ordinance 2011-04)***

### **10.01 Definitions**

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

a. Dwelling Unit

Dwelling unit shall mean any structure intended for human habitation or use, either transient or permanent.

b. Pressure Reducing Valve

Pressure reducing valve shall mean a valve device, which regulates water pressure to structures and is designated to permit the pressure for use within that structure.

c. 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.

d. Self-Closing Valve

Self-closing valve shall mean a valve device designed to close by spring or by water pressure when left unattended.

e. Water Efficient Aerator

Water efficient aerator shall be USEPA WaterSense labeled product and mean an aerator equipped to limit water flow to a maximum of 1.5 gallons per minute (gpm) or less for residential buildings. *(Amended by Ordinance 2011-04)*

f. Water Efficient Showerhead

Water efficient showerhead shall be USEPA WaterSense labeled product and mean a water efficient showerhead (with one showerhead per shower stall) equipped to limit water flow to a maximum of 2.0 gpm or less for residential buildings. *(Amended by Ordinance 2011-04)*

g. High Efficiency or Ultra Low Flow Toilet

High efficiency toilet shall be USEPA WaterSense labeled product and mean a tank type toilet or water closet designed to function with a maximum rated flush volume of 1.28 gallons per flush or less. An ultra-low flow toilet is rated at 1.6 gallons per flush per the California State Building Codes. *(Amended by Ordinance 2011-04)*

h. 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. *(Amended by Ordinance 2011-04)*

**10.02 Water Waste**

No person shall cause or permit any water furnished to the person's premises by the District to run to waste as defined in Section 11.01. 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 Conservation Devices Required on New or Remodeled Dwelling Units**

All new dwelling units that require a Sacramento County Building permit that are connected to the District 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 be USEPA WaterSense labeled homes. For any remodeled units that require a Sacramento County Building permit that are connected to the District 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 fixtures shall be District-approved water efficient equipment, plumbing fixtures and appliances and be USEPA WaterSense labeled products. Pressure reducing valves shall be installed on new dwelling units where District approved improvement plans call for such installation in accordance with District Standards. *(Amended by Ordinance 2011-04)*

**10.04 Conservation Devices Required on New or Remodel Public Users**

All new public users or users remodeling facilities that require a Sacramento County building permit and are connected to the District distribution system after the effective date of this Chapter, shall be equipped with District-approved water efficient equipment, plumbing fixtures and appliances 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. *(Amended by Ordinance 2011-04)*

**10.05 Water Efficient Landscape Requirements**

Landscape design, installation, maintenance, and management can and should be water efficient. All new or modifications to existing landscape areas subject to Homeowner Association review or County permit approvals are required to comply with the California Water Conservation Landscaping Act of 2006 (Assembly Bill 1881, Laird) and Model Water Efficient Landscape Ordinance effective January 1, 2010 or, when adopted, the least as effective as Sacramento County Water Efficient Landscape Requirements (Chapter 14.10). The District allows the use of all types of water efficient plant materials, including artificial turf. Allowable water efficient plant materials are identified on the District approved plant list. The District prohibits any plants considered invasive to the local waterways, such as invasive plants listed by the California Invasive Plant Council. *(Amended by Ordinance 2011-04)*

**10.06 Air Conditioning and Refrigeration Devices**

All new or replacement air conditioning and refrigeration systems using water from the District distribution system or discharging to the District sewer system, installed after the effective date of this Chapter, shall be equipped with water conservation devices of sufficient capacity to limit makeup water



to a maximum 0.2 GPM per ton of rated capacity under full loading at a maximum summer temperature of 105 degrees Fahrenheit. *(Amended by Ordinance 2011-04)*

### **10.07 Evaporative Coolers**

Evaporative coolers installed after the effective date of this Chapter shall be equipped with a re-circulating pump. The makeup supply line shall be equipped with an inlet valve, which shall open according to manufacturer specifications. Makeup water shall be used intermittently, and not continuously, as required due to discharge that shall occur only on an as needed basis to remove high total dissolved solids (TDS) levels on the order of more than 2,000 parts per million (ppm). *(Amended by Ordinance 2011-04)*

### **10.08 Swimming and Wading Pools**

All swimming or wading pools installed after the effective date of this Chapter, which have a capacity of over two thousand gallons of water, and which use water from the District distribution system or which discharge water into the District sewer system, shall be equipped with re-circulating systems and approved filters. Pool covers are recommended but not required.

## **SECTION 11.00 Water Waste**

### **11.01 Wasteful Use of Water**

Any of the following acts or omissions, whether intentional, unintentional, willful or negligent, shall constitute the wasteful use of water *(Amended by Ordinance 2011-04)*:

- a. Water flowing away from a property caused by excessive application(s) of water beyond reasonable or practical irrigation rates, duration of application, or other than incidental applications to impervious surfaces.
- b. Causing or permitting an amount of water to discharge, flow, run to waste into or flood any gutter, sanitary sewer, water course or storm drain, or to any adjacent lot, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, "discharge," "flow" or "run to waste" means that water is applied to the point that the earth intended to be irrigated has been saturated with water so that additional applied water then flows over the earth. In the case of washing, "discharge," "flow" or "run to waste " means that water in excess of that necessary is applied to wash, wet or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area.
- c. Allowing water fixtures or heating or cooling devices to leak or discharge water.
- d. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices or with known leaks, both seen and unseen.
- e. Discharging water from, and refilling, swimming pools, decorative basins or ponds in excess of the frequency reasonably necessary to maintain the health, maintenance or structural considerations of the pool, basin or pond, as determined by the General Manager.
- f. Overfilling of any pond, pool or fountain which results in water discharging from the pond, pool or fountain.
- g. Continued operation of an irrigation system that applies water to an impervious surface or that is in disrepair.
- h. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.

- i. Irrigation of lawns or landscaping when it is raining.
- j. Irrigating lawns or landscaping between the hours of 10:00 a.m. and 10:00 p.m., with the exception of drip irrigation or hand watering, as otherwise authorized pursuant to this Section, unless a variance is granted by the General Manager. Exceptions are accepted for District approved weather based irrigation controllers.
- k. Using potable water from the District's water system for compaction, dust control or other construction purposes without first obtaining approval from the General Manager as provided in Section 7.07 and a meter from the District.
- l. Installing a single-pass cooling system, such as water cooled air compressor, in any property that is newly connected to the District water system. This does not apply to evaporative cooling systems.
- m. Installing a non-recirculating system in any new automatic car wash or new commercial laundry system or failure to utilize current best management practices for water conservation that are industry standards.

**11.02 Determination of Wasteful Uses of Water**

It shall be unlawful for any person to waste water as defined above in Section 11.01. Violations will be based on observation(s) and documentation of waste by District staff, including but not limited to evidence of a continually running 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. *(Amended by Ordinance 2011-04)*

**11.03 Repair of Leaky Indoor or Outdoor Fixtures**

It shall be unlawful for any person to maintain or allow on the person's premises leaky or faulty water fixtures or devices to which District water is supplied, so that District 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. *(Amended by Ordinance 2011-04)*

**SECTION 12.00 Drought Response**

**Determination of Drought**

In determining the District's water system's Drought Stage, the General Manager shall determine whether that system's water supplies available for potable use are sufficient to meet the current customer demands on that system and shall consider, unless otherwise excluded by this section, all relevant factors. The General Manager shall consider, among other things *(Amended by Ordinance 2011-04)*:

- a. any variations in the reliability of the Lake Water or other supplemental supplies available to the District's water system, which may be indicated by Department of Water Resources monitoring data in the Cosumnes River watershed (such as snow survey, rainfall precipitation, previous year runoff pattern data);
- b. gauge monitoring that indicates below normal Cosumnes River flow conditions that may affect the District's ability to pump water to the Lake/Reservoir System;

- c. availability of non-potable water to meet non-potable demands on the District’s water system; and
- d. the success, or lack thereof, of previous declarations of a less stringent Drought Stage in causing the water-use reductions sought by the District.
- e. the General Manager will select the necessary stage for response to the drought based on the provisions outlined in the District Board adopted Water Shortage Contingency Plan.
- f. The Board of Directors shall make the final drought declaration upon review of the General Manager’s drought determination.

**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. *(Amended by Ordinance 2011-04)*

**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 distribution system, in the manner set forth herein. *(Amended by Ordinance 2011-04)*

**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 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 *(Amended by Ordinance 2011-04)*:

<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 water system violates any of the water use restrictions during a stage two, three, or four water shortage stage as set forth in 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 specified in Section 13.03 above may be increased by up to 100%. *(Amended by Ordinance 2011-04)*

### **13.05 Appeal**

There shall be no appeal of the 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. *(Amended by Ordinance 2011-04)*

### **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. *(Amended by Ordinance 2011-04)*

#### **a. Authority to Grant Variances.**

The General Manager may grant variances to water use restrictions provisions during a stage one, two, or three Drought Stage as specified in the Water Shortage Contingency Plan. During stage four drought, as specified in the Water Shortage Contingency Plan, any previously granted variances shall be suspended without notice, unless they are based on a critical health need as determined by a licensed medical professional, with such determination being provided to the General Manager.

#### **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 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 distribution system, without liability to the District, in the following manner:

- a. At least ten (10) days before the proposed disconnection of any 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 service.
- b. After notice has been given as specified in subparagraph (a) and prior to disconnection of 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 service.
- c. No 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 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 Service**

When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnecting and restoring the service, plus a seventy-five-dollar (\$75.00) restoration fee. *(Amended by Ordinance 85-1)*

### **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 Fire and Other Emergencies**

Nothing in this chapter limits or may be construed as limiting the availability of water for extinguishing fires, meeting the demands of any other similar emergency, or routine inspection and maintenance of fire hydrants. *(Amended by Ordinance 2011-04)*

## **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.