



# WATER SERVICE RULES AND REGULATIONS



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## **ARTICLE 1. GENERAL PROVISIONS**

**101. SHORT TITLE.** This Resolution shall be known and may be cited as WEST VALLEY WATER DISTRICT, WATER SERVICE REGULATIONS."

**102. WORDS AND PHRASES.** For the purpose of this Resolution, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number. All words making reference to gender shall include both he and she.

**103. WATER SYSTEM.** The District will furnish a system, plant, works, and undertaking used for and useful in obtaining, conserving, and disposing of water for District customer uses, including all parts thereof, all appurtenances to it, and lands, easements, right in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

**104. SEPARABILITY.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution.

**105. PRESSURE CONDITIONS.** All applicants for water service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and shall hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

**106. MAINTENANCE OF WATER PRESSURE AND SHUTTING DOWN FOR EMERGENCY REPAIRS.** The District shall not accept any responsibility for the maintenance of pressure and it reserves the right to discontinue service while making its own emergency repairs, etc. Customers dependent upon a continuous supply should provide emergency storage supply.

**107. TAMPERING WITH DISTRICT PROPERTY.** No one except an employee or representative of the District shall at any time in any manner operate the curb stops or valves of the District's system; or interfere with meters or their connections, street mains or other parts of the water system without first obtaining written permission or authorization from the District. Tampering with District property includes a cut lock and/or self-turn on.

**108. PENALTY FOR VIOLATION.** For the failure of the customer to comply with all or any part of this Resolution, or any other Resolution, Ordinance, or order fixing rates and charges of this District, a penalty for which has not hereafter been specifically fixed, the customer's water service shall be discontinued and water service shall not be reinstated to such customer until he/she shall have complied with all of the rules and regulations, rates and/or charges which he/she has violated, and until he/she shall have satisfied the District that in the future he/she will comply with all the rules, regulations, rates and charges established by the District, as contained herein.

109. **DECISIONS FINAL.** All decisions of the Board shall be final.
110. **MANUAL CHARGES.** A fee for reproduction of these Water Service Regulations shall be established and paid.
111. **ADMINISTRATIVE DECISIONS.** The General Manager is hereby authorized to make such administrative decisions as are necessary to implement this Resolution, which are not inconsistent therewith.
112. **EFFECTIVE DATE.** This resolution shall take effect on the (date) day of (month) 2018.

## **ARTICLE 2. DEFINITIONS**

- 201. APPLICANT.** A person applying for water service.
- 202. BACKFLOW AND BACKFLOW PREVENTION ASSEMBLY.** As defined in compliance with Title 17, Administrative Code of the State of California.
- 203. BOARD.** Means the Board of Directors of the District.
- 204. BUILDING.** Standing structure.
- 205. CAPACITY CHARGE.** A specific charge or other charge deemed appropriate by the District for construction of facilities. A capacity charge shall be applied as shown in Article 5, Section 510, and Exhibit C, to all new or improved services connected to the District's water system. Funds collected from said capacity charges shall be used for the development of water supplies and construction of production, treatment, transmission, storage and other related facilities to meet the additional demands on the water system. In cases of large development, additional fees may be applied to cover the cost of additional facilities required to meet master plan requirements.
- 206. COST.** The recorded costs of labor, material, equipment, transportation, supervision, engineering, and all other recorded costs plus overhead.
- 207. CROSS-CONNECTION.** An unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered cross-connections.
- 208. CUSTOMER.** Any individual, firm, association, partnership, corporation, trust, joint-venture, or other legal entity who receives water service from the District.
- 209. CUSTOMER'S SERVICE VALVE.** A valve independent of the District's facilities located in the customer's piping as close to the meter as practicable, the operation of which will control the customer's water supply from the meter.
- 210. DEVELOPER.** Any individual, firm, association, partnership, corporation, trust, joint-venture, or other legal entity who desires water service which requires the installation of new, improved, or expanded water service facilities.
- 211. DISTRICT.** Means West Valley Water District and the Board of Directors performing functions related to District water service, together with the General Manager, Assistant General Manager, Chief Financial Officer (CFO), Operations Manager, and other authorized representatives.

**212. DISTRICT SERVICE AREA.** Any and all areas where water service is provided by West Valley Water District.

**213. DOMESTIC WATER SERVICE.** Delivery of potable water through an authorized service connection designated primarily for potable and sanitation uses, and other associated uses.

**214. EXISTING SERVICES.** If a new domestic service is installed, a capacity charge shall be made, plus a meter and service charge. If the domestic service is already installed, a meter charge and capacity charge will be made at the current rate (if no record of a meter ever being installed). If the existing domestic service and meter is of insufficient capacity, needs to be relocated, or does not meet current District standards, a new service lateral shall be installed at the customers' expense. If it is determined that an existing water service is no longer needed, the existing service shall be fully abandoned per the District's current standard at the customer's expense. If the existing service/meter will be utilized, the customer shall sign up for service and maintain an active account.

**215. FRONTAGE CHARGE.** A water main construction charge applied for the street frontage for which the water service has been requested.

**216. GOLF COURSE SERVICE.** The supplying of irrigation water for use on a golf course.

**217. GRAVITY FLOW.** Water not under a pressure head measured in miner's inches and not necessarily potable.

**218. INGRESS AND EGRESS.** Representatives from the District shall have the right of ingress and egress at customer's premises at reasonable hours for any purposes reasonably connected with the furnishing of water service, for example, reading meters, or repairing public water system.

**219. INTERRUPTIONS IN SERVICE.** The District shall not be liable for damage, which may result from an interruption in service. Customers dependent upon a continuous supply should provide emergency storage supply.

**220. MAIN.** Pipelines located in streets, highways, alleys, easements, or right-of-ways, which are used for water distribution and/or transmission.

**221. MONTHLY SERVICE CHARGE.** The service charge is a ready-to-serve charge applicable to all metered services.

**222. OVERHEAD CHARGE.** An administrative fee, which shall be applied to all labor, materials, contracts, transportation, supervision, engineering, and all other necessary recorded costs.

**223. OWNER.** The person owning in fee title, or the person in whose name the legal title

to the property appears by deed duly recorded in the County Recorder's office, or the person in possession of the property or building under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee, or the owner.

**224. PREMISES.** A lot or parcel of real property under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges, or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office buildings may be classified as single premises.

**225. PRIVATE FIRE PROTECTION SERVICE.** Water service and facilities for building sprinkler system, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore. An approved backflow prevention assembly shall be installed on all private fire protection services.

**226. PUBLIC FIRE PROTECTION SERVICE.** Water service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances.

**227. RELIEF VALVE/PRESSURE REGULATOR.** A device installed to protect the customer's plumbing due to high pressures.

**228. SERVICE OR SERVICE INSTALLATION.** The pipeline and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

**229. TEMPORARY WATER SERVICE.** Water service and facilities rendered for construction work and other uses of limited duration and the water available therefore.

**230. UNAUTHORIZED CONSUMPTION.** Water used without appropriate authorization from the District.

### **ARTICLE 3. NOTICES**

**301. NOTICES TO CUSTOMERS.** Notice from the District to a customer will typically be given in writing and either delivered or mailed to the last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or District personnel.

**302. NOTICES FROM CUSTOMERS.** Notices from the customer to the District may be given by the customer or his/her authorized representative at the District's Headquarters. Notices from the customer to the District shall be in writing.

## **ARTICLE 4. WATER DISTRICT**

**401. CREATION.** A Water District has been created under Division 12 of the Water Code of the State of California; administered by the General Manager, the Assistant General Manager, the Chief Financial Officer and the Operations Manager.

**402. GENERAL MANAGER.** The General Manager shall have full charge and control of the maintenance, operation, and construction of the water system. He/she shall perform such other duties as are imposed from time to time by the Board, and shall report to the Board in accordance with the rules and regulations adopted by the Board.

**403. ASSISTANT GENERAL MANAGER.** The Assistant General Manager shall assist the General Manager in the control of maintenance, operation, and construction of the water system. He/She shall perform such other duties as are imposed from time to time by the General Manager, and shall report to the General Manager in accordance with the rules and regulations adopted by the Board. In the absence of the General Manager, the Assistant General Manager shall assume the duties of the General Manager.

**404. CHIEF FINANCIAL OFFICER (CFO).** The CFO shall have charge of the District's Accounting, Billing, Customer Service, Purchasing and Meter Departments. He/She shall perform such other duties as shall be determined by the General Manager.

**405. OPERATIONS MANAGER.** The Operations Manager shall have charge of the Production, Treatment, Maintenance and Water Quality Departments and District Facilities. He/she shall regularly inspect all physical facilities related to the District water system, to see that they are in good repair and proper working order, and to note violations of any water regulations.

- a. He/She shall promptly report any violation or disrepair to the General Manager or Assistant General Manager. If the work required is in the nature of an emergency, he/she shall take whatever steps are necessary to maintain service to consumers pending action by the General Manager or Assistant General Manager.
- b. He/She shall supervise all repair or construction work authorized by the General Manager or the Assistant General Manager, and perform any other duties prescribed elsewhere in this Ordinance or which shall be hereafter prescribed by the Board, General Manager, or Assistant General Manager.

**406. PERFORMANCE OF DUTIES.** The foregoing duties of Operations Manager and CFO may be performed by the General Manager, Assistant General Manager, or by an additional employee or employees as determined by the General Manager.

## **ARTICLE 5. APPLICATION FOR WATER SERVICE**

**501. APPLICATION FOR SERVICE.** Each water user shall submit an application for water service in writing to the District, along with providing a valid government issued identification and proof of property ownership, such as a copy of settlement documents or a copy of a recorded grant deed. If a tenant is signing the application, they must provide valid government issued identification, signed rental agreement papers or have the owner's signature for approval to sign up for water service. It shall be on such form and shall contain such stipulations, terms, and provisions as may be changed from time to time contained in the form provided by the District.

**502. UNDERTAKING OF APPLICANT.** Such application will signify the customer's willingness and intention to comply with this and other regulations relating to the water service and to make payment for water service as rendered.

**503. PAYMENT FOR PREVIOUS SERVICE.** An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

**504. INSTALLATION CHARGES.** When the premises to which water is to be furnished does not have a meter for use on said premises, the applicant shall pay an installation charge based on all costs of the installation, including meters and appurtenances. Where a regular charge has been fixed for the type of service installation desired, such regular charge shall be paid in advance by the applicant. Where there is no regular charge, the District reserves the right to require the applicant's deposit of an amount equal to the estimated cost of such service installation. The schedule of regular service installation charges is as shown in Exhibit C.

**505. INSTALLATION OF SERVICE.** Regular water service will be installed at the location and of a size desired by the applicant as approved by the District. Service installations will be made only to property abutting on distribution mains as approved by the District that have been constructed in public streets, alleys, or easements, or to extensions thereof as herein provided. Unless otherwise approved by the General Manager, services will be installed by the District after all charges are paid. The District may use its own personnel or select a contractor from the District's pre-qualified contractor list to install the service. The developer may solicit his/her own bids for the work to be accomplished by using the District's pre-qualified contractors list provided that the developer adheres to District requirements and at the discretion of the General Manager. Services will be installed only after the construction of concrete curb and gutter. The applicant shall be responsible for the installed service until final acceptance by the District. Any cost to repair damage or to relocate or modify the service shall be borne by the applicant. The District reserves the right to determine the size of service connections and their location with



respect to the boundaries of the premises to be served and location of District's distribution facilities. The installation of service lateral lines to the curb should not be done until the District has approved the location of the service connection. No service shall be connected to a transmission main, except at the discretion of the General Manager.

**506. CHANGES IN CUSTOMER'S EQUIPMENT.** Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their applications.

**507. CURB STOP.** Every service connection installed by the District shall be equipped with a curb stop on the inlet side of the meter. Such valve or curb stop is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb stop is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.

**508. SERVICE CONNECTION.** Each service connection for domestic, irrigation or fire use shall be installed in accordance with the following provisions:

- a. Separate ownership. Each home dwelling, building, or parcel of land under separate ownership must be provided with a separate service connection.
- b. Single connection. Two or more homes, dwellings, or buildings under one ownership and on the same lot or parcel of land may be supplied through the same service connection; with an approved backflow prevention assembly, a monthly service charge shall be applied for each home or dwelling receiving water supplies through the same service connection.
- c. Number of homes, dwellings, or buildings. The District reserves the right to limit the number of homes, dwellings, or buildings on the area of land under one ownership to be supplied by one service connection.
- d. Separate service connection. Two or more homes or dwellings under one ownership and on the same lot or parcel may be served by separate service connections. An approved backflow prevention assembly shall be installed on each service connection.
- e. More than one service connection. Not more than one service connection shall be installed for one home, dwelling, or building except under special conditions. An approved backflow prevention assembly shall be installed on each service connection.

- f. Different owners. A service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley.
- g. Divided property. When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land, which it directly enters and the second property shall require a service exclusive to that parcel.
- h. Backflow Prevention Assembly. Service connections for commercial, institutional and industrial properties shall be installed with an approved backflow prevention assembly.

**509. SERVICE CONNECTIONS.** The service connections extending from the water main to the discharge side of the meter including the meter, meter box, and curb stop becomes the property of the District and shall be maintained by the District. All pipes and fixtures, including customer's shut off valve, extending or lying beyond the discharge side of the meter shall be installed and maintained by the owner of the property. The District will not allow any connections through a tee or splice in the lateral between the water main and meter, hydrant, DCDA, or other service connection.

**510. CAPACITY CHARGE.** A capacity charge shall be levied for each new service connection to the system of the District. This capacity charge or fee shall be in addition to all other charges set forth in this resolution. The capacity charge shall be as indicated in Exhibit C. Capacity charge, or other costs and charges, shall be collected with monies deposited for installation of mains or service connection.

**511. FRONTAGE CHARGE.** A frontage charge shall be levied for each new service connection to the system of the District. When persons owning land to which water mains are adjacent in streets or rights-of-way, said mains having been installed by the District or jointly by the District and others, make application for water service to a lot, parcel, or tract of land, such persons shall reimburse the District by paying a water main construction charge as set forth in Exhibit C 2004 of this resolution, except those pipelines installed by Improvement District No. 1. This charge shall be paid prior to water being furnished by the District. This charge is in addition to all other charges set forth in this resolution.

**512. SERVICE OUTSIDE BOUNDARIES.** For service outside District boundaries, approval must be obtained from the Board of Directors of the District and Local Agency Formation Commission. Additional charges may be added to offset special conditions.

**513. UNLAWFUL CONNECTIONS.** The District may impose a penalty upon anyone who unlawfully connects to the District's facilities. The District shall issue a written notice of

penalty setting forth the amount of the penalty, which the penalty shall be paid within thirty (30) days of the issuance of the notice of imposition of the penalty, and the reason for imposing the penalty. The notice shall advise the person to whom it is directed that he/she may seek review of the imposition of the penalty by filing a written request for a hearing pursuant to the provisions of Article 25.

**514. IRRIGATION SERVICE CONNECTIONS.** A separate landscape irrigation meter shall be required for all new service connections that service a parcel containing irrigated landscape area for all commercial, industrial and institutional developments.

## **ARTICLE 6. GENERAL CONDITIONS FOR INSTALLATION OF WATER FACILITIES**

- 601. OVERVIEW.** Any work on District facilities, including, but not limited to the installation of new service connections, water main, backflow prevention devices and associated appurtenances (water facilities), relocation or removal of existing facilities, not contracted for directly by the District, shall comply with the requirements of this section. All work shall be submitted for review, required fees, deposits and charges paid and approved in writing by the District prior to the time the work is started.

Upon review of the project area, the District may require the update, replacement, installation, relocation or alteration of District facilities and appurtenances to meet the current District Standards and Specifications. At the discretion of the General Manager, the complete cost of the required work may be collected and used by the District to perform the work itself.

An Applicant requesting the installation of water facilities to a property, where waterlines adjacent to the property are in excess of 50 years of age, shall be required to replace said waterline. Such replacement and/or upsizing shall be at the discretion of the General Manager.

- 602. APPLICATION.** An Applicant requesting the installation of water facilities shall complete an Application for Domestic Water Service. The application shall be accompanied by two (2) copies of the Water Improvement Plans for review and approval. The Water Improvement Plans shall be prepared and approved in accordance with District's "Standards for Domestic Water Facilities."
- 603. PLAN CHECK.** A plan check fee as specified in Exhibit C shall be submitted with the application if District personnel perform the plan check. If the plan check is performed by a District contracted professional consultant at the discretion of the District, Applicant shall be responsible to pay for all costs and expenses incurred by the District including the consultant's plan checking fee. Applicant shall be required to pay the plan check fee associated with the contracted consultant prior to beginning plan check.
- 604. ADVANCE COSTS.** Upon approval of the application and approved plans, the owner, or owners, of said lots or parcel shall deposit with the Water District the following fees, deposits and charges. These charges shall be paid prior to water being furnished by the District.

Refundable Service Deposits. Developers are to make various advance refundable deposits. See Exhibit C for deposits. Said deposits shall be refunded to Developer at time of final inspection, less any charges for necessary repairs to water system.

Frontage Charge. A frontage charge shall be levied for each new service connection to the system of the District. When persons owning land to which water mains are adjacent in streets or rights-of-way, said mains having been installed by the District or jointly by the District and others, make application for water service to a lot, parcel, or tract of land, such persons shall reimburse the District by paying a water main construction charge as set forth in Exhibit C 2004 of this resolution, except those pipelines installed by Improvement District No. 1.

Capacity Charge. A capacity charge shall be levied for each new service connection to the system of the District. This capacity charge or fee shall be in addition to all other charges set forth in this resolution. The capacity charge shall be as indicated in Exhibit C.

Service Installation Charge. Where new meters are installed for the first time, a charge or deposit shall be payable prior to installation.

Inspection Fees and Deposits. An inspection fee for District and/or professional construction inspection consultant retained by the District on an as-needed basis will be required prior to inspection of a project. Applicant shall be responsible to pay all costs and expenses incurred by the District including any inspection consultant's fees. Applicant shall be required to pay the estimated inspection costs associated with the contracted consultant prior to beginning inspections.

Overhead Charge. An overhead charge as shown in Article 2, Section 235 and Exhibit C shall be applied to all recorded costs for installation of facilities under this article.

Construction Contingency Deposit. Owner/Developer shall deposit with the District an amount equal to ten (10%) percent of the construction cost estimate, for contingency during construction, said construction contingency deposit shall be refunded to the Owner/Developer at time of final inspection, less any necessary charges due to unexpected changes.

Supply Analysis. In instances where a Water Supply Assessment, hydraulic analysis, or demand study are required as a condition of approval for a

project. The District may select a consultant to perform the study, and the applicant/developer shall be responsible to pay all costs and expenses associated with said study.

**605. DEPOSIT.** If it is determined that the District shall construct such facilities, the developer will be required to advance to the District one hundred percent (100%) of the cost of the labor and material necessary to install main lines, valves, service connections, fire hydrants and other appurtenances.

**606. MAIN EXTENSION.** A main extension shall be required whenever useable main is not directly adjacent to the proposed parcel or development requiring water service, or when the adjacent main cannot meet the needs of the proposed development. Main extensions, service connections, and appurtenances shall be constructed by the District or a District pre-approved contractor, to conform with all District specifications, standards, and procedures which are in effect at the time the water plans are received for District approval.

**607. APPLICATION FOR MAIN EXTENSION.** Extensions of water backbone infrastructure to developments or lands shall be made by either the Applicant or the District as determined solely by the District, as follows:

- a. Application. A Developer-Installed Agreement will be executed by the General Manager prior to or after tract or parcel map recordation.

If a Developer-Installed Agreement is executed prior to map recordation permanent connection to District facilities will not be allowed until the tentative tract or parcel map is recorded by the County in which the development is located.

If a Developer-Installed Agreement is executed following map recordation with the County, conveyance of title of the water facilities and connection to the Districts distribution system will be allowed if all Developer-Installed Agreement items are satisfied.

If the water backbone infrastructure is to be constructed by the Applicant, they shall submit to the District, Water Improvement Plans prepared by a qualified professional engineer licensed in the State of California for plan check and approval per the procedures outlined in this rule and regulation and standards outlined in the District's latest "Standards for Domestic Water Facilities".

If the District requires water facilities to be oversized, the District reserves the

right to require the Applicant to submit at least three itemized bids for the work from the District's pre-approved contractors. In the event the District is not satisfied with the bids submitted, it reserves the right to require the plans be revised and/or modified and then rebid one additional time. When a final bid is accepted by the District, the Developer-Installed Agreement shall be executed by the General Manager subject to the Applicant satisfactorily completing all Developer-Installed Agreement action items.

If the District elects to make an extension of the backbone infrastructure, either by request of the Applicant or sole discretion of the District, the District will proceed with preparation of engineering plans and construction as expeditiously as its work schedule permits. Prior to issuing the specification for design and/or public bidding, the design fees and construction cost estimates for the Developer required facility size plus fifteen (15%) percent will be determined by the District and be required to be deposited by the Applicant with the District prior to advertising the specification for public bidding. The final cost of the work shall be the basis for the determination and calculation of refunds due to the District or Applicant.

The Applicant who desires a Developer-Installed Agreement with the District shall pay the following fees and expenses that are due and payable prior to execution of the agreement:

1. Applicable application fee noted on the Application for Developer-Installed Agreement/Water Plan Review Technical Information form.
2. A plan check fee as specified in Exhibit C shall be submitted with the application if District personnel perform the plan check. If the plan check is performed by a District contracted professional consultant at the discretion of the District, Applicant shall be responsible to pay for all costs and expenses incurred by the District including the consultant's plan checking fee. Applicant shall be required to pay the plan check fee associated with the contracted consultant prior to beginning plan check.
3. Investigation. Upon receipt of the application, the General Manager shall make an investigation and review the proposed extension. The estimated cost of the extension shall be based on the size and type of pipe approved by the District for general distribution and transmission mains. An Investigation Fee as specified in Exhibit C shall be submitted with the

application for costs uncured by the District for research necessary for water backbone infrastructure extensions.

- b. Ruling. The Board of Directors shall thereupon consider said application and report and, after consideration, shall reject or approve the application.
- c. Advance Costs. Upon approval of the application and Water Improvement Plans, the owner, or owners, of said lots or parcel shall deposit with the Water District Advance Costs as outlined in Section 604 prior to construction and a deposit as outlined in Section 605 If it is determined that the District shall construct such facilities.
- d. District Mains. All water main extensions thus provided for in accordance with these regulations shall be, and remain, the property of the District, upon acceptance by the Board.
- e. Dead End Mains. No dead-end pipelines shall be permitted, except at the discretion of the General Manager. In cases where circulation lines are necessary, they shall be designed and installed by the District at the expense of the Developer. Consideration may be given the Developer on unusual costs subject to Board approval.
- f. Sizing of Mains. All water mains shall be sized in accordance with the current District Master Plan. Under certain conditions, the General Manager may require a larger size pipeline to be installed. Minimum size pipeline to be installed is eight (8) inches.

**608. REFUND AGREEMENT.** Whereby an owner, or owners, of one or more lots or parcels of land desiring or necessitating the extension of one or more mains is unable to obtain a prorated share of the cost of such mains from all the owners whose property is adjacent to these mains, said owners shall be allowed to enter into refund agreements with the District, subject to the approval of the Board. The District shall recover the prorated share of such costs from any other owner fronting and applying for service connections to such mains in the future providing, however, that such agreements shall not be in effect for a period greater than ten (10) years. Said refund shall be based on the linear footage of property adjacent to the main extension.

**609. EXTENSIONS TO SERVICE ORGANIZED ASSESSMENT OR IMPROVEMENT DISTRICTS.** Whenever proceedings are instituted by petition of property owners, or instituted by action of the Board for making an extension to provide water service to serve property owners within an assessment or improvement district through an extension of



existing facilities of the District, the District will make such extension when approved by the Board. All costs of such extension, including all expenses incidental thereto, shall be paid by the assessment or improvement district. Each new assessment or improvement district extension will be considered independently.

**610. REFUND TO ASSESSMENT OR IMPROVEMENT DISTRICTS.** Whereby an assessment district or improvement district finances the cost of one or more main line extensions to provide water to an assessment or improvement district and if the owner of property adjacent to said main line extensions who is not a part of the assessment or improvement district requires service from said main line extensions, the District shall make a frontage charge as set forth in Article 5, Section 511 of this resolution. Said charges shall be applied to the bond redemption fund of said assessment or improvement district until such time as bonds are redeemed.

**611. EXTENSIONS BY DISTRICT.** The District may make extensions to the facilities constructed under this Article without obligation to applicant and refunds will not be made for services connected to said additional extensions.

**612. SPECIFICATIONS AND CONSTRUCTION.** The size, type, quality of materials, and location of the pipeline and facilities required for the extension shall be as specified by the General Manager and in accordance with the standards and specifications of the District. All pipeline extensions shall be installed to the furthest property line of the applicant requesting the extension.

## **ARTICLE 7. SUBDIVISIONS**

**701. APPLICATION.** A person desiring to provide a water system within a tract of land, which he/she proposes to subdivide shall make written application to the District.

- a. An Applicant who desires to have Water Improvement Plans reviewed and approved by the District and subsequently enter into a Developer-Installed Agreement shall complete the Application for Developer-Installed Agreement and shall pay the following fees and expenses that are due and payable prior to execution of the agreement:
  1. Applicable application fee noted on the Application for Developer-Installed Agreement/Water Plan Review Technical Information form.
  2. A plan check fee as specified in Exhibit C shall be submitted with the application if District personnel perform the plan check. If the plan check is performed by a District contracted professional consultant at the discretion of the District, Applicant shall be responsible to pay for all costs and expenses incurred by the District including the consultant's plan checking fee. Applicant shall be required to pay the plan check fee associated with the contracted consultant prior to beginning plan check.
  3. Investigation. Upon receipt of the application, the General Manager shall make an investigation and review the proposed subdivision. An Investigation Fee as specified in Exhibit C shall be submitted with the application for costs uncured by the District for research necessary for water backbone infrastructure extensions.
- b. Ruling. The General Manager shall thereupon consider said application and report and, after consideration, shall reject or approve the application.
- c. Advance Costs. Upon approval of the application and Water Improvement Plans, the owner, or owners, of said lots or parcel shall deposit with the Water District Advance Costs as outlined in Section 604 prior to construction and a deposit as outlined in Section 605 If it is determined that the District shall construct such facilities.

**702. CONNECTIONS.** The developer shall, at his/her cost, provide all connections to structures constructed by them as herein provided.

**703. INSTALLATION OF WATER SYSTEM.** Costs of all new mains, valves, service connections, fire hydrants, etc., required to meet acceptable state, county, city, fire underwriters' code and District "Standards for Domestic Water Facilities" which benefit a specific subdivision, must be paid for by the developer or property owner. The sub divider may solicit his/her own bids for the work to be accomplished by contracting with one of the District's pre-approved contractors provided that the developer adheres to the District's requirements and at the discretion of the General Manager.

**704. REFUND AGREEMENT.** No refund agreements for construction of water facilities in new subdivisions will be entered into. If a portion of said facility is constructed in a location where an adjoining property owner will receive benefit from that portion of the facilities, the developer or property owner may enter into a refund agreement with the District for the portion that benefits the adjoining property owner. If one or more main extensions are required to sufficiently serve a new subdivision and the developer or property owner is unable to obtain a prorated share of the cost of such mains from all the owners whose property is adjacent to these mains, said developer or property owner shall be allowed to enter into refund agreements with the District, subject to the approval of the Board. The District shall recover the prorated share of such costs from any other owner fronting and applying for service connection to such mains in the future; providing, however, that such agreements shall not be in effect for a period greater than ten (10) years. Said refund shall be based on the linear footage of property adjacent to a main extension.

**705. PROPERTY OF DISTRICT.** All facilities constructed under this Article shall become the property of the District.

**706. SPECIAL CONDITION.** Any storage facilities that may be required for a particular project shall require special Board consideration.

At the discretion of the Board, an acreage charge may be levied on any subdivision or housing as a capital charge for proportionate costs of existing District facilities.

**707. SPECIFICATIONS AND CONSTRUCTION.** The size, type, and quality of materials and location of the pipelines shall be as specified by the General Manager and in accordance with the District's "Standards for Domestic Water Facilities." All services and pipelines will be installed by the Developer or District after all charges are paid. The District may use its own personnel or select a contractor from the District's pre-approved contractor list to install all services and pipelines. The Developer shall use a District pre-approved contractor to install all services and pipelines.

**708. SETTING OF METERS.** Except under special conditions, water meters shall be set as soon as possible after installation of water lines and services.

**709. DIRECT CONNECTIONS.** There shall be no direct connections to the District's water system. Each service, whether temporary or permanent, shall have a meter and an approved backflow prevention assembly where applicable, as required by the General Manager. (See Article 10, Section 1001)

## **ARTICLE 8. GENERAL USE REGULATIONS**

**801. NUMBER OF SERVICES PER PREMISE.** The applicant may apply for as many services as may be reasonably required, and as approved by the District, for his/her premises provided that the pipeline system for each service be independent of the others and that they not be interconnected. (See Article 8, Sections 807, 808, 809, 810 and 811)

**802. WATER WASTE.** No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the District may discontinue service with appropriate notice to the customer. (See Article 24)

**803. RESPONSIBILITY FOR EQUIPMENT ON THE CUSTOMER'S PREMISES.** All District facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired or replaced by the District without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made by the District for placing or maintaining said facilities on private property.

**804. DAMAGE AND TAMPERING TO WATER SYSTEM FACILITIES.** The customer shall be liable for, and water service will be discontinued for damage to the District's water distribution, transmission and storage facilities including all service facilities, when such damage is from causes originating on the premises by an act of the customer or his/her tenants, agents, employees, contractors, licensees or permittee, including the breaking or destruction of locks or seals by the customer, or others, on or near a meter; and, any damage to a meter that may result from hot water or steam back up from a boiler or heater on the customer's premises. Prior to the District continuing water service, the customer shall pay for all repairs and/or replacement of the damaged facilities including service and/or meter plus all other applicable charges, which shall include legal, administration and overhead.

- a. Anyone creating damage to any portion of the District's facilities shall be liable for the repair or replacement of the damaged facilities plus any and all administration charges and overhead. The General Manager shall use every legal means available for collection of said damages.

**805. GROUNDWIRE ATTACHMENTS.** All individuals or business organizations are forbidden to attach any ground wire or wires to any plumbing, which is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage to its property occasioned by such ground wire attachments.

**806. CONTROL VALVE ON THE CUSTOMER'S PROPERTY.** The customer shall provide a valve on his/her side of the service installation as close to the meter location as practicable to control the flow of water to the piping on his/her premises. The customer shall not use the service curb stop to turn water on and/or off for his/her convenience. Control valve shall be installed by District at the time the meter is set. This control valve shall be maintained by the customer at his/her expense.

**807. CROSS CONNECTIONS.** The customer must comply with Title 17 Administrative Code, State of California and Federal laws governing the separation of dual water systems and/or installations of backflow prevention assemblies to protect the public water supply from the danger of cross connections or backflow.

The District accepts the provisions of Title 17 of the Administrative Code, State of California, as minimum District standards for cross connection control. Upon inspection, where potential health hazards necessitate backflow protection, the District shall require a backflow prevention assembly, which in its determination is designed to protect the District's potable water supply.

**808. BACKFLOW.** When the customer is engaged in the handling of dangerous or corrosive liquids, industrial or process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow prevention assembly.

If a customer allows contaminated water to enter into the District's water system, he/she shall be held liable for all damages to the water system including all required cleaning and flushing of the system. As well as the disinfections and testing of the water. The said customer shall also be held liable for all health problems the contaminated water may create for District Personnel, customers and /or the general public.

The District reserves the right to ingress/egress (enter/exit) the customer's property at any time during customer's operating hours for inspection of all plumbing for potential cross connections or need for backflow prevention. If potential cross connections or a need for backflow protection exists water service shall be discontinued at once and shall not be restored until all potential cross connections are eliminated or backflow protection is installed.

When a customer's operation requires District Water Quality Personnel to inspect the premises, either by prior agreement and/or necessity due to the nature of the business, the customer shall be charged the District's prevailing labor, equipment, and overhead fees.

Following is a list of examples of different types of premises and/or water use, which will require the installation of backflow prevention. This list provides examples only and the need for the installation of backflow prevention on any water service shall be at the sole

discretion of the District and/or as required by Title 17, California's Administrative Code.

- a. Premises handling and/or storing toxic chemicals, pollutants, or substances that may have a potential hazard to health shall be required to have backflow protection.
- b. Buildings of three (3) or higher floor levels shall be required to have backflow protection.
- c. Public swimming pools or spas shall be required to have backflow protection. "Public" being: apartments, home owner associations, condominiums, city parks, trailer parks, mobile home parks health clubs or any other business public or private that have swimming pools or spas or health clubs.
- d. Multiple rental buildings that are master metered shall have backflow protection.
- e. Premises that are served by two or more water services shall have each service connection protected by backflow protection.
- f. Schools shall be required to have backflow protection.
- g. Solar Heating Systems of a heat exchanger type that utilizes a re-circulating pump shall be required to have a Reduced Pressure Principle Backflow prevention assembly.
- h. Dairies, poultry farms, agriculture, or any other farm or hobby-type operation where fecal bacteria have potential to contaminate the public water supply or operations injecting chemicals into on-site water lines, the public water system shall be protected by a minimum of a Reduced Pressure Principal Backflow prevention assembly.
- i. Coolers with re-circulating pumps shall be required to install a Reduced Pressure Principal Backflow prevention assembly.
- j. Premises requiring backflow protection for fire service shall also be required to protect the domestic water service with backflow protection.
- k. Premises requiring fire service will be protected with a minimum of a Double Check/ Detector Check Backflow preventer.

- l. Premises handling raw sewage shall protect the domestic water system with an Air-Gap Separation. If, by the approval of the District and the State Department of Health Services a Reduced Pressure Principal Backflow prevention assembly is utilized instead of an Air-Gap Separation, District Water Quality Personnel shall conduct a sanitary inspection of the customer's premises a minimum of once per year. The customer shall be billed for this annual inspection. Water use shall be for administrative use only and not for any process and/or cleaning operation.
- m. Premises requiring backflow protection for other than fire service or raw sewage shall have the minimum of a Reduced Pressure (R.P.) Backflow preventer.
- n. Premises having a pond, tank or other water storage facility shall have backflow prevention assembly. If a customer makes a connection to the District's water system in violation of this section, he/she shall be subject to a fine as shown in Exhibit C.
- o. There shall be no connection made to a fire hydrant without the installation of a meter and a backflow prevention assembly approved by the District.

**809. RELIEF VALVES.** As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by the customer (at his/her expense) when check valves or other protective devices are used. Relief valves shall be installed between the check valves and the water heater or boiler.

**810. BACKFLOW PREVENTION ASSEMBLY.** Whenever backflow prevention has been found necessary by the District on a water supply line entering a customer's premises any and all water supply lines from the District's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly, regardless of the use of the additional water supply lines. (In compliance with Title 17 and Title 24 of the Administrative Code, State of California.) Backflow prevention assemblies must be installed as near the service as possible and shall be accessible for testing and inspection by the District. Plans for installation of backflow prevention assemblies must be approved by the District prior to installation.

**811. INSPECTION.** The approved backflow prevention assemblies shall be inspected and tested annually, or more frequently if determined to be necessary, by the District or a contractor approved by the District. The devices shall be inspected, serviced, overhauled, or replaced whenever they are found defective and all costs of inspection, repairs, and maintenance plus overhead shall be borne by the customer. (In compliance with Title 17 and Title 24 of the Administrative Code, State of California.)



The District shall make inspections of new and existing customer premises for cross connections. (In compliance with Title 17 of the Administrative Code, State of California.) The District's potable water system shall be protected by a Reduced Pressure Principal Backflow prevention assembly when entry to premises is restricted. Water service shall be discontinued until the backflow prevention assembly is installed or the inspection restriction is removed.

**812. DISCONTINUED SERVICE.** The service of water to any premise may be immediately discontinued by the District if any defect is found in the backflow prevention assembly, or if it is found that unprotected cross connections exist. Service shall not be restored until such defects are corrected.

**813. SUPPLY FOR BOILERS, ELEVATORS, PUMPS.** No person shall draw water from the District's mains, pipes or water pumps for supplying water to boilers, elevators, water pumps or fire pumps. The customer shall provide a tank of sufficient capacity to afford an adequate supply for their application into which the service pipes shall be discharged above the tank's maximum water level.

**814. INTERRUPTIONS IN SERVICE.** The District shall not be liable for damage, which may result from an interruption in service from a cause beyond the control of the District. If a customer requires a continuous supply of water without possible interruption the customer shall provide an onsite water storage supply.

**815. INGRESS AND EGRESS.** Representatives from the District shall have the right of ingress and egress (enter/exit) to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service or inspection for potential cross connections or backflow hazards. Refusal of entry shall result in discontinuance of water service.

**816. WATER PRESSURE AND SUPPLY.** The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. In the event of a shortage of water, of which the Board shall be the sole judge of, out-of-District customers shall have services discontinued before the rationing of water in the District takes effect. If a customer requires a continuous supply of water without possible interruption the customer shall provide an adequate onsite water storage supply.

**817. RESPONSE TO A NO WATER CALL.** The customer will be charged a fee to respond to a no water call when the customer's valves are off but operable.

**818. SECOND RESPONSE TO A LEAK CALL.** The customer will be charged a second response to a leak fee when the leak was previously determined to be customer's

responsibility and it is the same leak.

## **ARTICLE 9. DOMESTIC WATER SERVICE DEPOSIT**

**901. DOMESTIC WATER SERVICE.** Except as provided in Section 902(b), a monetary deposit shall be required of all applicants requesting water service before water service is rendered to the applicant. This is a non-transferable deposit. A Customer Deposit is a guarantee of payment of bills and does not earn interest.

**902. REFUND OF ACCOUNT DEPOSIT.** Each water user shall make application for water service in writing to the District. With the application, the customer shall be required to guarantee payment for water service by the following methods:

- a. A deposit, which will be refunded after twelve (12) consecutive months of service with the District, with no delinquent bills during that twelve-month period, or when the account is terminated.
- b. In lieu of deposit for water service, the customer can provide their most recent, not more than two (2) years old, twelve-month payment history from their last water purveyor and one other utility, i.e. gas/electric, with no delinquent bills during that twelve-month period. (If tenant is signing the application they must also provide the owner's signature of approval).
- c. If applicant provides the District with a recent payment history, as indicated in (b) above (for tenants the owner's signature), after deposit has been made, arrangements will be made to refund deposit.
- d. Any refund due to the customer after all debts have been paid will be refunded to the customer.

**903. RETURNED PAYMENTS.** There will be a charge for all returned payments. All monies for returned payments are payable in cash or money order. Accounts with multiple returned payments will be placed on a cash only status for six (6) months of good payment history.

## **ARTICLE 10. METERS**

**1001. INSTALLATIONS.** All services, except as shown in Article 7, Section 715.1, temporary or permanent shall have a meter. Approved backflow prevention assemblies shall also be required for commercial, industrial, institutional and irrigation services. Meters shall be installed behind the curb/sidewalks, and shall be installed and owned by the District pursuant to Article 5, Sections 504 and 510. If installation costs exceed the deposit amount, customer will then be billed the difference.

**1002. CHANGE IN LOCATION.** Meters moved for the convenience of the customer shall be relocated at the customer's expense. Meters moved to protect the District's property will be moved at the District's expense. Meters shall not be moved laterally without making a new connection to the main line and installing a new service line and disconnection of the old service line, unless approved by the General Manager.

**1003. CHANGE IN SIZE.** Any change in meter size after installation desired by the customer shall be charged at cost-plus-twenty-percent (20%) with credit given on a fair cost basis for any salvageable material from previous service. Any applicable capacity charges shall be applied.

**1004. NON-REGISTERING METERS.** If a meter is found to be not registering, the charges for service shall be either at the minimum monthly rate or based on the average consumption of the past three (3) years, whichever is greater. Such estimate shall be made from previous consumption for a comparable period, or by such other method as is determined by the District; and its decision shall be final.

**1005. TESTING.** If a customer desires to have the meter servicing his/her premises tested, he/she shall first make a deposit (See Exhibit C), and shall have the right to require the District to conduct the test in his/her presence, or in the presence of his/her representative when the meter is tested in the meter shop of the District. Should the meter register more than two percent (2%) fast, the deposit shall be refunded, but should the meter register less than two percent (2%) fast, the deposit shall be retained by the District.

**1006. ADJUSTMENT FOR ERRORS - FAST METERS.** If a meter tested at the request of a customer is found to be more than two percent (2%) fast, the excess charge for the time of service rendered the customer requesting the test, or for a period of six (6) months, whichever shall be the lesser, shall be refunded to the customer.

**1007. ADJUSTMENT FOR ERRORS - SLOW METERS.** If a meter tested at the request of a customer is found to be more than twenty-five percent (25%) slow, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding four (4) months that the meter was in use.

**1008. DAMAGE TO METERS.** The District reserves the right to set and maintain a meter on any service connection. The water customer shall be held liable, however, for any damage to the meter due to his/her negligence or carelessness and in particular for damage caused by hot water or steam from the premises. (See Article 8, Section 804)

**1009. DAMAGES THROUGH LEAKING PIPES AND FIXTURES.** When turning on the water supply, as requested, the District's jurisdiction and responsibility ends at the meter and the District shall in no case be liable for damages by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

**1010. METER OBSTRUCTION CHARGE.** Any meters deemed obstructed by customer, intentionally or unintentionally, shall be charged a meter obstruction charge. (See Exhibit C).

**1011. ABANDONMENT OF EXISTING SERVICES.** If it is determined that an existing water service will no longer be utilized, the existing service shall be fully abandoned per the District's current standard at the customers' expense. The customer shall be responsible for replacement of any sidewalk, parkway or pavement removed as a result of abandonment.

## **ARTICLE 11. BILLING/PAYMENT OF BILLS**

**1101. BILLING PERIOD.** The regular billing period shall be monthly.

**1102. METER READING.** Meters shall be read as nearly as possible on the same day of each billing period. Billing periods are approximately 30 days monthly.

### **1103. OPENING AND CLOSING BILLS.**

- a. Opening Service: The meter shall be read and the water turned on. First bill shall be for the actual amount of water consumed plus the pro-rated amount of the monthly service charge.
- b. Closing Service: The meter shall be read the next business day. The closing bill shall be for the actual amount of water consumed plus the pro-rated amount of the monthly service charge for the total period for which service is rendered.

**1104. WATER CHARGES.** Water charges are due and payable at the office of the District as of the date billed. Bills for metered water service shall be rendered at the end of each billing period.

**1105. PAYMENT OF BILLS.** Bills for water service are payable as of the date billed. Payment must be made by the due date printed on the bill, (which shall be at least 21 days from the date billed). Unpaid bills become delinquent on the day following the due date. Failure to receive the bill does not relieve the customer of liability.

**1106. FINAL BILL.** Upon termination of the account, customers shall receive a final bill. Any unpaid bill is subject to collections and/ or lien.

**1107. BILLING OF METERS.** Bills will be rendered for each meter installation except where District has, for its own convenience, installed two or more meters in place of one. Where such installations are made, the meter readings will be combined for billing purposes.

**1108. BILLING PARTY.** The applicant for service must sign an application in which he/she guarantees payment of future water bills. Bills will be mailed to the billing party at the billing address as indicated on the application for water service.

**1109. UNAUTHORIZED CONSUMPTION.** When unauthorized consumption occurs, the meter will be locked off. The responsible party will be liable for the water delivered from the date of the last billed meter reading, (if the meter is found to be inoperative, the quantity of consumption will be estimated). In addition, a tampering fee will be assessed. In order to

re-establish the service, all fees related to unauthorized consumption must be paid.  
See Exhibit D.

## **ARTICLE 12. DISCONTINUANCE OF SERVICE**

**1201. DISCONNECTION FOR NON-PAYMENT.** The District may discontinue service for nonpayment of water service charges. Before discontinuing service, the District shall issue a written notice of discontinuance of service forty-eight (48) hours prior to shut off as required by the State to the customer, setting forth the date service shall be discontinued and the reason for discontinuing service. The notice shall advise the customer that he/she may request review of the notice of discontinuance of service by filing a written request for a hearing pursuant to the due process provisions of Article 25.

**1202. DELINQUENT CHARGE.** A delinquency charge shall be made and collected prior to renewing or continuing service.

**1203. UNSAFE APPARATUS OR SERVICE DETRIMENTAL TO OTHERS.** (Compliance with Title 17 and Title 24 of the Administration Code, State of California)

- a. If an unsafe or hazardous condition, as determined by the District, is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the District or its customers, the service will be shut off without advance notice. In such event, 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 will be restored.
- b. The District does not assume liability for inspecting apparatus or hazardous conditions on the customer's premises. However, the District does reserve the right of inspection if there is reason to believe that an unsafe apparatus may be in use or a hazardous condition may exist.

**1204. NON-COMPLIANCE WITH REGULATIONS.** The District may, unless otherwise provided herein, discontinue water service to a customer for noncompliance with this or any other resolution, ordinance, or regulation related to water service. A penalty may be imposed (Exhibit C).

- a. If such noncompliance affects matters of health and safety, and conditions warrant, the District shall discontinue water service immediately.

**1205. CROSS CONNECTIONS.** Water service may be refused or discontinued to any premises where there exists a cross connection.

**1206. FRAUD OR ABUSE.** Service may be discontinued if necessary to protect the District against fraud or abuse.



**1207. UPON VACATING PREMISES.** Customers desiring to discontinue service should so notify the Water District at least one (1) business day prior to vacating the premises. Unless discontinue of service is requested, the customer shall be liable for charges whether or not any water is used.

**1208. RE-CONNECTION CHARGES.** To have water service renewed after disconnection, all delinquent charges must be paid in full and a re-connection fee shall be charged.

**1209. CUSTOMER TURNING ON SERVICE.** Any customer turning his/her own service back on after District has turned off shall be charged for a cut lock and tampering with District property and shall be held responsible for any damage to District property. Tampering with District property is a misdemeanor and is punishable by law.

All charges, fees, and/or fines must be paid prior to renewing or continuing service.

## **ARTICLE 13. COLLECTION OF UNPAID BILLS**

**1301. LIABILITY FOR WATER USED.** The property owner remains responsible for all charges owed to the District whether or not the property owner actually lives on the premises and signs the application for water service. The property owner shall also be held responsible for discontinuance of service and/or establishing new service for tenants.

**1302. LIENS FOR UNPAID BILLS.** All unpaid bills shall be made a lien against property for which service was requested pursuant to these Regulations and California Water Code Section 31701.5, et seq. Prior to causing a lien to be filed against such property, the District shall notify the holder of title to land whenever delinquent and unpaid charges for water and/or other services which remain delinquent and unpaid and which could become a lien on such property.

**1303. REPORT OF DELINQUENT AND UNPAID CHARGES.** A report of delinquent and unpaid charges for water and other services which remain unpaid and delinquent for sixty (60) days or more on July 1st shall be prepared and submitted to the Board for consideration as tax liens. The unpaid and delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report. The report shall be adopted and approved as amended by the Board.

**1304. ADOPTION AND FILING OF REPORT.** The Finance Department shall file with the County Auditor and Board of Supervisors within the Counties of San Bernardino and Riverside of each year and in the manner specified by the County Auditor and Board of Supervisors of each county a copy of the report with a statement endorsed thereon over the signature of the secretary, that such a report has been adopted and approved by the Board of Directors.

**1305. COLLECTION OF DELINQUENT AND UNPAID CHARGES.** The County Assessor for the Counties of San Bernardino and Riverside shall include the amount of charges on bills for taxes levied against their respective lots and parcels of land, and, thereafter, the amount of such unpaid and delinquent charges shall be collected at the same time and in the same manner by the same person as, together with and not separately from, the general taxes, if any, for the District or the Counties of San Bernardino and Riverside and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

**1306. REFUSAL OR NEGLECT TO PAY DEBT.** Any amount due is a debt to the District, and any person or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action in a court of competent jurisdiction for the amount due.

**1307. SUIT.** All unpaid rates and charges and penalties herein provided may be collected by lawsuit.

**1308. COSTS.** Defendant shall pay all costs of suit in any judgement rendered in favor of the District.

## **ARTICLE 14. PUBLIC FIRE PROTECTION**

**1401. USE OF FIRE HYDRANTS.** Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the District. Unauthorized use of hydrants will be prosecuted according to law.

- a. There shall be no connection made to a fire hydrant without the installation of a meter and a backflow prevention assembly approved by the District. (See Article 8, Sections 807, 808, 810 and 811)

**1402. HYDRANT STANDBY CHARGE.** A charge, to be determined by contract between the District and organized fire protection agencies, will be imposed for hydrant maintenance unless special arrangements have been made. No charge will be made for water used for public fire protection within the District.

**1403. MOVING OF FIRE HYDRANTS.** When a fire hydrant has been installed in the location specified by proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in the size, type, or location of the hydrant, he/she shall bear all costs of such change without refund. Any change in the location of a fire hydrant must be approved by the District and the appropriate fire agency.

### **1404. UNAUTHORIZED USE OF HYDRANTS AND OTHER FIRE PROTECTION FACILITIES.**

- a. Unauthorized Use. The District may impose a penalty; see Exhibit C, for the unauthorized use of District fire hydrants or other fire protection facilities. The District shall issue a written notice of imposition of such penalty to the person upon whom the penalty is being imposed. The notice shall set forth that payment of the penalty shall be due thirty (30) days from the date of the notice, and the reason for imposing the penalty. The notice advises that the person upon whom the penalty is being imposed may request review of the imposition of penalty by filing a written request for a hearing pursuant to the provisions of Article 25.
- b. Tampering
  1. The District may impose a fine upon anyone who tampers with a hydrant or other fire protection facility. Said penalty shall be of an amount sufficient to cover the cost of repairing the hydrant or facility, and any associated administrative costs. The District shall issue a written notice of imposition of such penalty, which shall be due thirty

(30) days from the date of the notice. The notice shall set forth the reason for imposing the penalty. The notice shall advise that the person upon whom the penalty is being imposed may request review of the imposition of that penalty by filing a written request for a hearing pursuant to the provisions of Article 25.

2. If thirty days have passed from the date the notice of imposition of penalty was given, and the penalty has not been paid and no request for hearing has been filed pursuant to Article 25, the District may refer the matter to the District Attorney for prosecution as a misdemeanor or infraction.
3. If an Article 25 hearing has been requested and held, and either a statement of decision imposing the penalty becomes final, or the Board affirms imposition of the penalty, and no payment is made within thirty (30) days of said decision or order, the District may refer the matter to the District Attorney for prosecution as a misdemeanor or infraction.

**1405. FIRE SERVICE.** A non-compliance backflow prevention assembly fine shall be assessed for each month a backflow prevention assembly remains non-compliant. (See Exhibit C).

**ARTICLE 15. PRIVATE FIRE PROTECTION SERVICE**

**1501. PAYMENT OF COST.** An applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer's premises, including the cost of an approved backflow prevention assembly. Said service shall become the property of the District, up to the inlet side of the approved backflow prevention assembly.

**1502. CAPACITY CHARGE.** There shall be a capacity charge applied to all private fire services.

**1503. MONTHLY RATES.** The monthly rates for private fire protection service shall be as shown in Exhibit D.

**1504. DETECTOR METER CONSUMPTION.** Any consumption recorded on the detector meter shall be investigated for illegal use. If illegal use is determined a fine shall be levied.

**1505. NO CONNECTION TO OTHER SYSTEM.** There shall be no connection between a fire protection system and any other water distribution system on the premises, including the domestic system connection to the District. There shall be no connection between a fire protection system, and another fire protection system unless approved by the District.

**1506. USE.** There shall be no water used through the fire protection service except to extinguish fires and for the testing of the firefighting equipment. The amount of consumption registered on the detector meter for testing shall be based on the size of the service connection (please see table below.) One unit of water per inch diameter shall be allowed on a monthly basis to meet fire protection system testing needs. If unauthorized consumption is found by the District one or more fines may be imposed. Customers are required to notify or cause to be notified, the District prior to testing of any fire service facilities.

**Allowable Usage for Testing Fire Services**

Fire Protection Service Size	Allowable Consumption as registered on Detector Meter
2"	2 hcf
3"	3 hcf
4"	4 hcf
6"	6 hcf
8"	8 hcf
10"	10 hcf
12"	12 hcf

**1507. VIOLATION.** If water is used from a private fire service in violation of these regulations, the District may at its option discontinue service and remove the connection.

**1508. WATER PRESSURE AND SUPPLY.** The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. If a customer must have a continuous supply of water the customer should construct an adequate storage facility and pressure pump.

**1509. RULES.** The following rules shall apply to fire service connections:

- a. Valve. When a private fire protection service connection is installed, the valve governing same shall be closed and sealed, and remain so until a written order is received from the owner of the premises to have the water turned on.
- b. Detector Meter. All private fire protection services connected to the District's mains shall be equipped with an approved Double Check Detector Backflow Prevention Assembly (DCDA), located so as to be readily accessible to District personnel.
- c. Non-Compliance Fee. A fee will be charged for all backflow prevention assembly not in compliance.

**1510. UNAUTHORIZED USE OF FIRE PROTECTION FACILITIES.**

- a. Unauthorized Use. The District may impose a penalty for the unauthorized use of District fire hydrants or other fire protection facilities. (See Exhibit C). The District shall issue a written notice of imposition of such penalty to the person upon whom the penalty is being imposed. The notice shall set forth that payment of the penalty shall be due thirty (30) days from the date of the notice, and the reason for imposing the penalty. The notice shall be served to the customer and shall advise that the person upon whom the penalty is being imposed may request review of the imposition of the penalty by filing a written request for a hearing pursuant to the provisions of Article 25.
- b. Tampering.
  1. The District may impose a fine upon anyone who tampers with a hydrant or other fire protection facility. Said penalty shall be of an amount sufficient to cover the cost of repairing the hydrant or facility, and any associated administrative costs. The District shall issue a written notice of imposition of such penalty, which shall be due thirty

(30) days from the date of the notice. The notice shall set forth the reason for imposing the penalty. The notice shall be served on the customer by registered or certified mail, and shall advise that the person upon whom the penalty is being imposed may request review of the imposition of that penalty by filing a written request for a hearing pursuant to the provisions of Article 25.

2. If thirty (30) days have passed from the date the notice of imposition of penalty was given, and the penalty has not been paid and no request for hearing has been filed pursuant to Article 25, the District may refer the matter to the District Attorney for prosecution as a misdemeanor or infraction.
3. If an Article 25 hearing has been requested and held, and either a statement of decision imposing the penalty becomes final, or the Board affirms imposition of the penalty, and no payment is made within thirty (30) days of said decision or order, the District may refer the matter to the District Attorney for prosecution as a misdemeanor or infraction.

**1511. PRIVATE FIRE PROTECTION TURN ON FEE.** A fee will be charged for turn off of private fire protection systems for emergency and/or repair of said system. (See Exhibit C).

**1512. DISTRICT RESPONSIBILITY.** The District's responsibility ends at the connection between the branch pipeline and the 90° elbow preceding the backflow device for the fire service.



## **ARTICLE 15A. RESIDENTIAL FIRE SPRINKLER SYSTEM**

**1501A. RESIDENTIAL FIRE SPRINKLER SYSTEM.** The term “Residential Fire Sprinkler System” shall mean a fire sprinkler system required by California Residential Code, Title 24, Part 2.5 which is incorporated as part of the Customer Service Line.

**1502A. CONNECTION REQUIREMENTS.** A single Permanent Service Connection shall provide water service for both the domestic water and Residential Fire Sprinkler portions of the Customer Service Line. The customer will provide the District with the required domestic water and Residential Fire Sprinkler water demands and minimum pressures at the time of application for service. The District shall size the single Permanent Service Connection to meet the foregoing demands and pressure requested.

For purposes of this Article 15A, each initially capitalized term set forth herein shall have the following meaning:

- a. The term “Service Connection” shall mean [the District’s facilities including, pipe, fittings, meter, meter box and check valve or backflow prevention assembly and gate valve, extending from the District’s domestic water main to the outlet of the gate valve downstream of the meter, check valve or backflow prevention assembly.]
- b. The term “Permanent Service Connection” shall mean a service connection that is intended to provide continuous domestic water service.
- c. The term “Customer Service Line” shall mean a customer’s facilities including pipe, fittings and appurtenances extending from the outlet of the gate valve downstream of the District’s meter, check valve or backflow prevention assembly.

### **1503A. NO LIABILITY OF DISTRICT.**

- a. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The [service] is subject to shutdowns and variations required by the operation of the District’s distribution system. California law provides that the District is immune from liability for personal injury or property damage which may result from the presence or absence of water for the extinguishment of a fire or for any other purpose including, but not limited to the pressure or absence of water. In a fire sprinkler system located in or about any property or structure, such immunity shall apply regardless of whether any absence of water is the result of a malfunction in any system or from the termination of water

- service due to a delinquent water bill.
- b. All Residential Fire Sprinkler Systems are required by California Residential Code, Title 24, Part 2.5. The customer is responsible for any residential fire sprinkler system on the customer's property or premises, including, but not limited to, operations, maintenance, and standard inspection to ensure that any such system functions properly. The customer acknowledges that there is the potential for hazardous conditions which may be created by potentially having fire protection service discontinued as a result of service interruption or termination and that any such injury or damage is the responsibility of the customer and not the District. Customer acknowledges that District will provide a single Service Connection to customer's property identified in this application ("Property"). In the event District discontinues water service to the Property for any reason set forth in District's rules and regulations ("Regulations"), including, but not limited to, failure to make payment when due, District may, in accordance with the Regulations, discontinue water service to the Property. If District discontinues water service to the Property, there is no water service for the residential sprinkler system. Customer, during customer's ownership of the Property, assumes all risk of loss and damage to the Property, including the residential unit located on the Property or injury to persons arising out of the termination of such water service and hereby waives all claims in respect thereof against District, including losses arising from or in connection with the loss of residential fire sprinkler protection. In addition to the foregoing, customer, during customer's ownership of the Property, assumes all risk of loss or damage to personal and real property due to backflow from the fire sprinkler system portion of the Customer Service Line into the domestic portion of the Customer Service Line for any reason whatsoever, including without limitation, any water quality exceedances. Customer acknowledges that District shall have no obligation nor responsibility with respect to the design, construction, testing (including inspection to ensure that such system is operational), operation, maintenance, repair or replacement of the residential fire sprinkler system on customer's Property which shall be customer's responsibility and customer shall bear all risk of loss or damage thereto and/or thereby, by whatever cause inflicted which shall be customer's responsibility.
- c. The District may discontinue water service in accordance with the District's Rules and Regulations. The District shall not be liable for any damage, which may result from said discontinuance of service.

Customer shall assume the defense of, indemnify and hold harmless District from and against all actions, causes of action, damages, demands, liabilities, costs (including, but not limited to reasonable attorneys' fees), claims, losses and expenses of every type and description (collectively, "Costs") to which it may be subjected or put, by reason of, or resulting from: (i) the design, construction, testing (including inspection to ensure that such system is operational), operation, maintenance, repair and replacement of the residential fire sprinkler system located

on the Property; (ii) the performance of or failure to perform of the residential fire sprinkler system located on the Property during customer's ownership of the Property; (iii) backflow from the fire sprinkler system portion of the Customer Service Line into the domestic portion of the Customer Service Line for any reason whatsoever, including without limitation, any water quality exceedances during customer's ownership of the Property; and (iv) any death, injury, property damage, accident or casualty caused or claimed to be caused by the discontinuance of water service to the Property for any reason set forth in District's Regulations, including, but not limited to, failure to make payment when due, including any Costs arising from or in connection with the loss of the use of the residential fire sprinkler system on the Property during customer's ownership of the Property. District shall make all decisions with respect to its representation in any legal proceeding concerning this Section. Customer hereby waives all claims and demands against District for any such Costs.

## **ARTICLE 16. TEMPORARY SERVICE AND CHARGES**

**1601. APPLICABILITY AND DURATION OF SERVICE.** Applicable to temporary service, including hydrant connections, of a non-permanent nature for construction or other purposes. Service shall be disconnected and terminated within six (6) months after installation. Extension of use shall require renewal of the permit and inspection of the backflow protection device.

### **1602. DEPOSITS.**

- a. Meter, Reduced Pressure Principle Backflow Prevention Assembly (RP) & Service Deposit. The applicant shall deposit in advance the estimated cost of installing and removing the facilities required to furnish said service exclusive of the cost of salvageable material, as determined by the District. Upon discontinuance of service the actual cost shall be determined and an adjustment made as an additional charge, refund, or credit. If service is supplied through a fire hydrant, the applicant will be charged in accordance with Exhibit C and Exhibit D).

Should the meter, RP, and other facilities be damaged, stolen or lost, the deposit shall be forfeited in whole or in part. (See Article 16, Section 1604 and Exhibit C).

**1603. INSTALLATION AND OPERATION.** The District shall provide all facilities for temporary service to the customer connection. The customer shall operate the facility in accordance with the District policy and approval.

**1604. RESPONSIBILITY AND INSTALLATION.** All hydrant meters and RPs, will be secured to the hydrant by the District. The District reserves the right to allow the customer to secure the meter with their own protection devices but accessibility must be maintained for District personnel. The customer shall use all possible care to prevent damage to any loaned facilities of the District, which are involved in furnishing the temporary service. Should the meter or other facilities be damaged, lost or stolen, the cost of replacement or making the necessary repairs shall be the responsibility of the customer and shall be deducted from the Deposit. Requests to relocate a hydrant meter will be granted within 2 business days. Relocation and backflow prevention assembly testing fees apply.

**1605. SUPPLY FROM FIRE HYDRANT.** An applicant for temporary use of water from a fire hydrant must secure an application from the District and pay the required deposits. The applicant shall provide himself with a hydrant wrench necessary to operate such hydrant, and pay for the water used in accordance with the meter readings, at the rates prescribed by the District.

**1606. RATE.** Rates and charges for temporary water service shall be furnished at the rates prescribed by the District.

## **ARTICLE 17. THE CONTROL OF BACKFLOW AND CROSS-CONNECTIONS**

### **1701. PURPOSE**

The District is responsible for protecting its water supply from contamination by implementation of a Cross-Connection control program. The purpose of the Cross-Connection control program is (1) to protect the District's water supply against actual or potential Cross-Connection by isolating within the premise contamination that may occur because of some undiscovered or unauthorized Cross-Connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate Cross-Connections between drinking water systems and sources of contamination; and (4) to prevent the occurrence of Cross-Connections in the future.

### **1702. AUTHORITY**

Article 17 is intended to satisfy the requirements set forth in the District's operating permit issued by the State Water Resources Control Board, Health and Safety Code Sections 116275(9), 116555(a), Title 17 of the California Code of Regulations Sections 7583-7605, and Water Code Section 31027.

### **1703. DEFINITIONS**

The following words and phrases shall have the following meanings:

- a. "Auxiliary Water Supply" is any water supply other than that received from a public water system.
- b. "Air-gap Separation" is a physical break between the supply line and a receiving vessel.
- c. "Cross-Connection" is an unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.
- d. "Double Check Valve Assembly" is an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.
- e. "Reduced Pressure Principle Backflow Prevention Device" is a backflow preventer incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

- f. "Water User" is any person obtaining water from public water supply.

**1704. WATER SYSTEM SURVEY**

- a. The District shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the District upon request for review of possible Cross- Connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required "lead free" device must be installed before service will be rendered.
- b. The District may require an on-premise inspection to any new or existing site to evaluate Cross- Connection hazards. The District will send a written notice requesting an inspection appointment to each affected Water User. Any Water User that cannot, or will not, allow an on-premise inspection of their piping system shall be required to install a "lead free" backflow prevention device as deemed necessary by the District.
- c. The District may require a re-inspection at its discretion for Cross-Connection hazards of any premise to which it serves water. The District will contact the water user to request an inspection. Any Water User that cannot, or will not, allow an on- premise inspection of their piping system shall be required to install a "lead free" backflow prevention device as deemed necessary by the District.
- d. The District will notify the Water User in writing of the water system survey findings, listing corrective action to be taken, if any. A period of 30 days will be given to complete all corrective action required, including the installation of a new or upgraded backflow prevention devices if required. The District, at its sole discretion, may grant a time extension to perform for the corrective action. If the corrective action is not completed within the allotted time period, the District may terminate or suspend water service to the affected Water User until the required corrective actions are taken and non-compliance fees are paid in full.

**1705. WATER USER NOTIFICATION FOR TESTING AND MAINTENANCE**

- a. The District will send written notification to each affected Water User when it is time to test the backflow prevention device installed on their service connection. This written notification shall give the Water User 30 days to complete the required testing and submit the necessary backflow test certification to the District.
- b. After the allotted 30-day period, a second written notice will be sent to each Water User who failed to provide an acceptable backflow test certification for their

backflow prevention device. The second notice will allow the Water User an additional 30-day period to have their backflow prevention device tested and an acceptable test certification submitted to the District, or allow the Water User to request termination of service. If the Water User fails to supply the District with either an acceptable test certification or a Request for Termination of Service within the two 30-day period, the District may suspend or terminate water service to the Water User until the required test is completed .

- c. Should the backflow prevention device not pass the backflow test, the District will terminate or suspend water service to the affected Water User until the subject device is repaired, retested and shown to be operating properly.

#### **1706. GENERAL PROVISIONS**

- a. Whenever backflow protection has been found necessary (including but not limited to commercial properties, landscape nurseries, manufacturing facilities, hospitals, nursing homes and facilities including any and all property having fire sprinkler systems or private fire hydrants), the District will require the Water User to install a District-approved backflow prevention device at the Water User's sole expense for continued services or before new service will be rendered. These costs shall include all labor and material necessary to construct or modify the service connection connecting to the District's water main, install the backflow device itself, construct or modify any piping work to be completed on the Water User's side of the backflow device, and the removal of any interfering vaults.
- b. Wherever backflow protection has been found necessary on a water supply line entering a Water User's premises, then any and all water supply lines from the District's mains entering such premises, buildings, or structures shall be protected by a District-approved "lead free" backflow prevention device. The Water User shall only install "lead free" backflow prevention devices that have been approved by the District.
- c. Each service connection from the District water system to premises having an Auxiliary Water Supply shall be protected against backflow of water from the premises into the District's water system unless the Auxiliary Water Supply is accepted as an additional source by the District, and is approved by the public health agency having jurisdiction.
- d. Backflow prevention devices shall be installed on the service connection to any premises having (a) internal Cross-Connections that cannot be permanently corrected and controlled to the satisfaction of the District, or (b) intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible



to ascertain whether or not cross-connections exist.

- e. Any property having two or more services supplying water from different water distribution mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valves shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination in such case the installation of a District-approved backflow devices at such service connections shall be required.
- f. Backflow prevention devices shall be installed in accordance with the District's standard drawings which may be updated periodically by the District. The standard drawings also delineate the limit of the District and Water User's responsibility for maintaining the backflow service connection.
- g. The District will notify affected Water Users by mail when annual testing of their device is required and supply users with the necessary documentation regarding backflow prevention device information. The affected Water User shall retain a certified tester from the list of the District approved backflow prevention assembly testers to perform the required test(s). All annual tests must be submitted to the District electronically via website data entry.

#### **1707. BACKFLOW DEVICE REMOVAL**

The Water User, or their agent, shall obtain approval from the District before removing, relocating, or replacing a backflow prevention device. Such approval will be granted at the District's sole discretion.

- a. Removal: The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists, or is not likely to be created in the future.
- b. Relocation: The District, at its sole discretion, may allow the relocation of a backflow prevention device, so long as the new location will continue to provide the required protection and meet the District's installation requirements. A retest of the relocated backflow prevention assembly will be required following the relocation of the device.
- c. Repair: A device may be removed for repair, provided the water use is either discontinued until the repair is completed and the repaired device is reinstalled and

returned to service, or the service connection is equipped with another backflow protection approved by the District. A passing/satisfactory retest will be required following every repair of the device.

- d. Replacement: A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the District, commensurate with the degree of hazard involved, and be "lead free." All backflow prevention device replacements, including service piping, shall be constructed up to the current District standards.

### **1708. WATER SERVICE TERMINATION**

When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.

- a. The District will terminate service to a Water User's premise after 2 written notices have been sent specifying the corrective action needed and the time period in which it must be completed. If no action is taken within the allowed period of time, water service may be terminated. Conditions or water uses fall into this category that create a basis for water service termination shall include, but are not limited to the following items:
  - 1. Refusal to install or upgrade to a required "lead free" backflow prevention device.
  - 2. Refusal to test a backflow prevention device.
  - 3. Refusal to repair a failing backflow prevention device.
  - 4. Refusal to replace a failing backflow prevention device.
  
- b. The District will make reasonable effort to contact and advise the Water User of record of the intent to terminate water service and terminate water supply and lock service valve. The water service will remain inactive until the District has approved correction of violations. Conditions or water uses fall into this category that create a basis for water service termination shall include, but are not to limited to the following items:
  - 1. Direct or indirect connection between the public water system and a sewer line.
  - 2. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.

3. Unprotected direct or indirect connection between the public water system and an Auxiliary Water System.
4. A situation which presents an immediate health hazard to the public water system public health.

**1709. RATE**

The Water user and/or owner will be charged a monthly fee per assembly on their utility bill beginning the following month in accordance with the District. See exhibit C.

## **ARTICLE 18. GENERAL PROVISIONS**

**1801. TANKS.** When an abnormally large quantity of water is desired for filling a tank or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced thereby. District Facilities must be protected by an Air Gap.

**1802. RESPONSIBILITY FOR EQUIPMENT.** The customer shall at his/her own risk and expense furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water. The District shall not be responsible for any loss or damage caused by the improper installation of such equipment; nor the negligence, or wrongful act of the customer or of any of its permittees in installing, maintaining, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by faucets, valves, and other equipment that are open when water is turned on at the meter, either originally or when turned on after temporary shutdown.

**1803. BOOSTER DEVICE.** The District hereby reserves the right to approve the use of any booster pump to a service on the customer's side of the meter and the use of any other method whereby the customer's share of available water through the main to which the meter is attached is increased beyond the amount of which would otherwise normally be delivered through such meter.

## **ARTICLE 19. COMPLAINTS AND DISPUTED BILLS**

**1901. GENERAL.** Should the customer have a complaint with regard to water service, or dispute the correctness of a bill for water service, he/she should contact the District office prior to the bill becoming delinquent to endeavor to arrive at an understanding.

**1902. COMPLAINTS.** Any written, formal complaint shall be submitted to the General Manager. Should a customer be unable to have his/her complaint satisfied by the District's General Manager or Staff, he/she may either submit his/her complaint in writing with a full and detailed explanation to the District's Board of Directors for settlement, or he/she may appear in person before the Board at its regular meeting to seek a solution. In any event, action by the Board shall not be delayed more than to the time of the next regular meeting for the receipt of special reports on the complaint, unless further delay is freely and willingly agreed to by the customer. The decision of the Board shall be final.

**1903. CLAIMS.** All claims will need to be submitted to the Human Resources Department.

**ARTICLE 20. SCHEDULE OF RATES**

**See Exhibit C**

**ARTICLE 21. SCHEDULE OF RATES**

**See Exhibit D**

## **ARTICLE 22. ANNEXATION FOR AREAS OUTSIDE OF DISTRICT TERRITORY**

**2201. THIS ARTICLE IS NOT EXCLUSIVE.** Except as provided in this Article, water service outside of District's territory shall be provided pursuant to the provisions of Resolution No. 387, as amended, constituting the District's water service regulations and schedule of rates and charges.

### **2202. REGULATIONS PERTAINING TO APPLICATIONS FOR WATER SERVICE FOR PROPERTIES OUTSIDE OF DISTRICT TERRITORY AND IMPROVEMENT DISTRICT # 1**

Applicants for water service for properties located outside District Territory shall submit to the District the following:

- a. The District's regular application for water service and evidence of compliance with any requirements thereof.
- b. A petition for annexation of the properties to be served to the District.
- c. The terms and conditions of such annexation are as follows:
  1. The payment of the cost of processing the annexation.
  2. A deposit of money in an amount determined by the General Manager to be used in payment of the costs of processing the annexation, including, but not limited to, Local Agency Formation Commission costs, engineering services, and administrative costs. Any unused portion of the deposit shall be refunded to the applicant, and if the deposit is inadequate, the applicant shall pay any additional sum required.
  3. During the period of time required for the processing of the annexation, the District shall provide the water service applied for, subject to the District's regulations and rates, except that the water rates shall be one and one-half (1 ½) times the regular rate for such service.
  4. Upon annexation of the properties to be provided water service, the District's regular water rates will then apply.
  5. In the event, without fault of the applicant, the annexation proceedings fail, the District shall nevertheless continue water service to the properties of the applicant, but the applicable water rate shall be one and one-half (1 ½) times the regular rate for such water service.



## **ARTICLE 23. SEWERS**

**2301. APPLICATION.** In an effort to prevent groundwater degradation from septic-tank subsurface disposal systems, all new developments within the service area of the West Valley Water District shall connect all lots and/or parcels to a community sewer system, as a condition of water service.

**2302. LARGE LOTS OR PARCELS.** New developments with a density of less than one single family dwelling unit per one-half acre may be exempt from Section 2301 subject to review and determination by the Board of Directors.

**2303. DRY SEWERS.** In the absence of a requirement from a local sewerage agency to install a sewer system and where it is not currently feasible, as determined by the District, to connect a new development with a density of more than one single family dwelling unit per one-half acre to a community sewer system, dry sewers shall be installed, as a condition of water service.

- a. The dry sewers shall meet all District and other local sewerage agencies' requirements.
- b. The dry sewers include lateral lines to within five (5) feet of the inlet pipe to the septic tank to be installed on each lot or parcel.
- c. Plugs and seals shall be placed on the dry sewers to prevent unauthorized connection.

## **ARTICLE 24. WATER CONSERVATION**

- a. **Purpose.** The purpose of this Article is to provide water conservation measures in order to minimize the effect(s) of a water shortage on the citizens of, visitors to, and the economic well-being of the communities we serve and, by means of this Article, to adopt provisions that will significantly reduce the wasteful and inefficient consumption of water, thereby extending the available water resources required for the domestic, sanitation, and fire protection needs of the citizens of, and visitors to, the communities we serve while reducing the hardship on the District and the general public to the greatest extent possible.
  
- b. **Application.** The provisions of this Article shall apply to all customers and property within the service area of the District and shall also apply to all property and facilities owned, maintained, operated, or otherwise under the jurisdiction of the District.
  1. **Exception.** The prohibited uses of water provided for by this Ordinance are not applicable to that use of water necessary for public health and safety, system maintenance or capital improvements, or for essential government services such as police, fire, and similar emergency services.
  
- c. **Policy.** Due to the fact that we are located in a semi-arid region and our groundwater is of limited supply and in an overdraft condition and because of these conditions prevailing in the District and areas elsewhere from which the District obtains its water supplies, the general welfare requires that the water resources available to the District be put to the maximum beneficial use to the extent to which they are capable and that the wasteful, inefficient, or unreasonable use, or method of use of our previous, limited, and finite water resources be prevented.

As such, the conservation of such waters is to be exercised with a view to the reasonable and beneficial and efficient use thereof in the interests of the people of the District and for the public welfare.

Therefore, the District establishes the following goals, objectives, policies, and four-stage water conservation plan pertaining to the conservation and use of water:

### **2401. GOALS**

- The conservation of water.

- The efficient use and distribution of available water supplies.
- Adequate and sufficient potable water supply and availability for the greatest public benefit, with particular regard to human consumption, sanitation, and fire protection.
- Maintain high quality customer service.
- Ensure fiscal soundness.
- Protect environmental quality.
- Meet water quality regulations.
- To reduce water consumption in accordance with State law, including, but not limited to the State Board Regulations.

**2402. OBJECTIVES**

- To conserve all available water supplies.
- To achieve an overall water use reduction.
- To reduce the volume of wastewater.
- To continuously increase consumer awareness about the need for and benefits of water conservation.
- To reduce or eliminate wasteful and inefficient uses of water.
- To assure an adequate supply of potable water sufficient to meet the essential private and public needs of the District's growing population and economy of those communities in which we serve.
- To assure that all new developments and existing dwellings which are remodeled or added to are equipped with water-conserving devices, fixtures, and appliances.
- To increase the use of native or water-conserving plant species for landscaping purposes.
- The term "base year" shall be set by the Board of Directors in compliance with State law:
  - The base year, if the customer occupied the subject real property for the

entire year. If the customer did not occupy the subject real property for the entire year of the established base year, the base year for that customer would be the first twelve (12) months the customer occupied the subject real property in or after the established base year.

- If the customer has not occupied the subject real property for a twelve (12) month period on the adoption of this Ordinance, then the District will use the consumption history for the period of time the customer has occupied the subject real property.
- If the customer has no consumption history for the subject real property then the District will determine goals for that customer based on the averaging of other real properties with similar service types and meter sizes within the same meter reading route (as determined by the District) for the months without consumption history. The customer shall have a ten (10) day period after the customer receives the goals to appeal that determination to the General Manager (as defined herein), in writing. If the customer fails to appeal the determination within the ten (10) day period the goals shall be final. Upon receipt of a timely appeal, the General Manager shall schedule a hearing at which the General Manager or his/her designated representative shall act as the hearing officer. The hearing shall be at least ten (10) days following receipt of the appeal, and the District shall mail written notice of the hearing to the customer at least ten (10) days before the date of said hearing. The determination of the hearing officer with respect to the goals shall be final.

#### **2403. POLICIES**

- As a condition of water service, all new structures shall be equipped with high efficiency toilets (1.28 gallons per flush max) as per Section 17921.3 of the California Health and Safety Code, and with low-flow showers and faucets as per Title 24, Part 6, Article 1, T20-1406F of the California Administrative Code, in addition to the insulating of all hot water lines according to California Energy Commission Rules. "New Structures" shall mean buildings obtaining occupancy permits after the effective date of this Ordinance.

As a condition of continued water service, existing structures not so equipped, which require building permits to remodel or expand, shall be retrofitted with toilet tank dams resulting in 1.28-gallon flushes unless the toilets are to be replaced, in which case the new toilets shall be low-flush (1.28gpf), as stated above, and low-flow showers and faucets. Certification of compliance with this Ordinance shall be forwarded to the District.

- The use of lawns shall be minimized in new commercial, hotel, condominium, and high- density housing and shall be subject to District review and conditioning of projects.
  - The use of native or water-conserving trees, shrubs, lawns, grass, ground cover, vines, and other plant species for landscape planting or replanting purposes is required and shall be approved by the District. (A list of such plants can be obtained at the District office.)
- Large water users, as determined by the District, shall submit a water conservation plan to the District and promote implementation of same as a condition to continued service.
- Water demand, use, and mitigation shall be addressed in every Environmental Impact Report.
- The District shall:
  - Cooperate with other local water purveyors, appropriate state and other responsible agencies in facilitating a continuous program to increase consumer awareness about the need for and benefits of water conservation.
  - Encourage large water users to implement water recycling and reuse processes.
  - Make water conservation as reliable a method of reducing water demands as water supply projects are in meeting such demands.

**2404. STAGE I - NORMAL CONDITION**

Normal supply and distribution capacity is available. All policies shown in Section 2403 and the following water conservation measures shall apply:

- a. Recommendations for use of water.
  1. Limit all outdoor watering to occur between the hours of 6:00 p.m. and 8:00 a.m. Drip irrigation and hand watering while gardening are exempt from this recommendation. Water being used during repair or maintenance of watering system is exempt from this section.
  2. Water conservation should be practiced within the home or business.
  3. All eating establishments, including but not limited to, restaurants,

hotels, cafes, cafeterias, bars or other public places where food and drink are served and/or purchased are requested not to serve water to their customers, unless specifically requested by the customer.

4. Operators of hotels and motels are requested to provide guests with the option of choosing to not have towels and linens laundered daily. The hotels and motels shall prominently display notice of this option in each guestroom using clear and easily understood language.
- b. The following uses of water are hereafter considered non-essential to the public health, safety and welfare and, if allowed, would constitute the wasting of water and is hereby prohibited, pursuant to Water Code Section 350 et seq., Water Code Section 71640 et. Seq. and the common law:
1. There shall be no application of water to sidewalks, walkways, driveways, parking areas, patios, porches, verandas, tennis courts, or other paved, concrete, or other hard surface areas, except that flammable or other similarly dangerous or unhealthy substances may be washed from said areas by direct hose flushing for the benefit of public health or safety.
  2. No water shall be used to clean, fill, operate, or maintain levels in decorative fountains unless such water is part of a recirculating system.
  3. No person shall permit water to leak from any facility, improvement or plumbing fixture on his/her/its premises; said leak shall be repaired in a timely manner.
  4. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment are prohibited unless done with a hand-held bucket or hand-held hose equipped with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use. This section does not apply to the washing of the above-listed vehicles or mobile equipment when conducted at a commercial car wash utilizing recirculating systems.
    - a. Such washings are exempted from these regulations when the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
  5. Use of water for outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas,

private and public walkways, roadways, parking lots, or structures is prohibited.

6. The use of sprinklers for any type of irrigation during high winds, which divert a significant amount of water from the intended landscaping, is prohibited.
7. Drought tolerant landscaping with drip irrigation systems should be utilized on public street medians. The irrigation of potable water of ornamental turf on public street medians is prohibited. The term “median” shall mean the strip of land between street lanes.
8. The irrigation with potable water of landscape outside of newly constructed homes and buildings shall be consistent with regulations or other requirements establishments by the California Buildings Standards Commission, as those regulations may be modified from time to time.
9. Irrigating landscaping, including, but not limited to, turf and ornamental landscapes during measurable precipitation in excess of one quarter inch (1/4), and within forty-eight (48) hours following such precipitation is prohibited.

#### **2405. STAGE II - WATER ALERT**

The District may not be able to meet all water demands of all customers, or the State of California has adopted regulations requiring the District to implement requirements and actions of a Stage II water alert as outlined herein this section 2405, regardless of the District’s local water supply; therefore, the following water conservation measures shall apply:

- a. All policies and prohibitions listed in Sections 2403 and 2404.
- b. All customers are required to reduce up to twenty percent (20%) of their water consumption over the base year consumption, as adopted by the Board.
- c. District will screen all new applications for water service installations and will limit water use before occupancy to that essential use for construction and testing of landscape plumbing. Limited landscaping for new development shall be allowed as approved by the District.
- d. Limit all landscape irrigation to up to four (4) days per week for no more than ten (10) minutes per station per day. This provision does not apply to any

landscape that has water-efficient devices that are operated properly. Water-efficient devices are drip irrigation systems and operational weather-based irrigation controllers. The term “week” is defined as Sunday through Saturday.

- e. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with the General Manager of the District (“General Manager”).
- f. Water use for compaction, dust control, and other types of construction shall be by permit only and will be limited to conditions of the permit or may be prohibited as determined by the General Manager or his/her designee.

#### **2406. STAGE III - WATER WARNING**

The District may not be able to meet all water demands of all customers, or the State of California has adopted regulations requiring the District to implement requirements and actions of a Stage III water warning as outlined herein this Section 2406, regardless of the District’s local water supply; therefore, the following water conservation measures shall apply:

- a. All policies and prohibitions listed in Sections 2403, 2404 and 2405.
- b. All customers are required to reduce up to twenty-five (25%) of their water consumption over the base year consumption, as adopted by the Board.
- c. Limit all landscape irrigation one (1) to three (3) days per week, as adopted by the Board, for no more than ten (10) minutes per station per day. Drip systems that are operated efficiently are exempt from these regulations.
- d. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager.
- e. All agricultural water users shall irrigate only at times approved by the District.
- f. Swimming pools, ornamental pools, fountains, water displays, hot tubs, spas and artificial lakes shall not be filled or refilled after being drained. Exceptions may be granted by calling the District for reasons including, but not limited to, public health and safety or to repair leaks. If any of these water features are drained, the customer shall notify the District immediately prior to refilling.
- g. All eating establishments, including, but not limited to, restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served



and/or purchased are prohibited from serving water to their customers except when specifically requested by the customer.

#### **2407. STAGE IV - WATER EMERGENCY**

The District is experiencing a major failure of supply or distribution, or the State of California has adopted regulations requiring the District to implement requirements and actions of a Stage IV water emergency as outlined herein this section 2409, regardless of the District's local water supply; therefore, the following water conservation measures shall apply:

- a. All policies and prohibitions shown in Sections 2403, 2404, 2405 and 2406.
- b. All customers are required to reduce water consumption by thirty percent (30%) to fifty percent (50%) over the base year consumption, as adopted by the Board.
- c. No water shall be used for construction purposes. All construction meters shall be locked off or removed.
- d. Commercial nurseries shall water only between the hours of 11:00 p.m. and 6:00 a.m. and only with hand-held devices or with drip irrigation systems.
- e. There shall be no watering of any lawn or landscaped area.
- f. The use of water shall be limited to essential household, commercial, manufacturing, or processing uses only, except where other uses may be allowed by permit.
- g. All agricultural water users shall irrigate only at times approved by the District.

#### **2408. DETERMINATION AND DECLARATION OF WATER CONDITIONS**

The General Manager, or his/her designee, shall access all available water supply data and shall make a report of his/her findings to the Board at the next Regular meeting or at a Special meeting called for that purpose. The Board may at that time determine and declare which of the four (4) previously discussed conditions the District's water supply is in and the extent of water conservation required to prudently plan for and supply water to the District's customers.

Thereafter, the Board may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provision of this Ordinance. The declaration of any stage shall be made by public announcement and notice shall be

published once in a local newspaper of general circulation. The stage designated shall become effective immediately upon announcement.

#### **2409. DURATION OF DECLARATION**

The declaration of any stage of water supply conditions shall remain in effect until such time as another stage is declared.

#### **2410. AUTHORITY - MISDEMEANOR**

This Article is adopted pursuant to Sections 375 and 376 of the California Water Code. Any second or subsequent violation of this policy after notice as specified in Section 2411 1(a) is a misdemeanor. (California Water Code Section 377).

#### **2411. ENFORCEMENT**

- a. **Violations.** In addition to the remedy of criminal prosecution available to the District as described above, violation of this Ordinance may result in the imposition of surcharges and restriction and/or termination of water service as set forth below:
1. First Violation – Notice of Non-Compliance – a written warning accompanied by a copy of this Ordinance, delivered by U.S. Mail and/or hung on customer's door.
  2. Second Violation – Warning of Penalties – a written warning notice of future imposition of penalties that could be placed on the customer's water bill.
  3. Third Violation (within one (1) year) - a surcharge of \$100.00.
  4. Fourth Violation (within one (1) year of the first violation) – a surcharge of \$300.00, and installation of flow restricting device in the meter for a minimum of ninety-six (96) hours. Said restricted flow shall meet minimum County Health Department's standards, if any have been established. If said ninety-six (96) hour period ends on a weekend or holiday, full service will be restored during the next business day.
  5. Fifth Violation (within one (1) year of the first violation) – a surcharge of \$500.00, and termination of service for such period as the Board determines to be appropriate under the circumstances, following a hearing regarding said issue. Written notice of the hearing shall be

mailed to the customer at least ten (10) days before the hearing.

- b. **Surcharges, Additional Charges.** Any surcharge hereunder shall be in addition to the basic water rates and other charges of the District for the account and shall appear on and be payable with the billing statement for the period during which the violation occurred; non-payment shall be subject to the same remedies available to the District as for non-payment of basic water rates.

In addition to any surcharge, a customer violating this Ordinance shall be responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's Schedule of Charges then in effect. Such charges shall be paid prior to the removal of the flow restrictor or reconnection of service, whichever the case may be.

- c. **Non-liability for Damage.** The customer or resident who violates this Ordinance thereby assumes responsibility for injury to the customer and/or other residents/occupants receiving service, including emotional distress and/or damage to the customer's private water system and/or to other real or personal property owned by the customer or by a third party resulting from the installation and operation of a flow restricting device or from termination of service; said customer shall thereby be deemed to have: (a) waived any claim for injury or for damage to the customer's property which the customer may otherwise have against the District; and (b) agreed to indemnify, defend, and hold the District harmless from claims by third parties for injury or property damage arising or claimed to arise out of the District's installation and/or operation of a flow restricting device or termination of water service.
- d. **Exemptions.** No exemption shall be granted to any person for any reason in the absence of a showing by said person that he/she/it has achieved the maximum practical reduction in water consumption in his/her residential, commercial, industrial, or governmental water consumption as the case may be.

The General Manager, or his/her designee, may grant exemptions ("exceptions" to this Ordinance) for uses of water otherwise prohibited by the regulations. Water customers who feel that they need an adjustment in the prohibitions as they relate to him/her will fill out a simple application form for an exemption stating the justification and circumstances. If the exemption is not granted, customer may appeal in writing as stated in Section 2414.1.

- 1. Inconvenience or the potential for damage to landscaping shall not be considered for exemption from any section of this Ordinance.

## **2412. APPEALS**

- a. **Procedures.** The General Manager, or his/her designated enforcement officer, shall determine when violations have occurred and shall issue to the customer a notice of violation ("Notice of Violation") by mailing same and/or hanging same on the customer's door at least ten (10) days before taking enforcement action. Said notice shall describe the action to be taken (notice of first violation shall simply be accompanied by a copy of this Ordinance) and shall be mailed or delivered at least ten (10) days before the proposed action is scheduled to be taken.

A customer may appeal the Notice of Violation by filing a written notice of appeal with the District no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed shall be final. Upon receipt of a timely appeal, a hearing on the appeal by the Board shall be scheduled at the Board's next Regular meeting or at a Special meeting scheduled for that hearing; in either, the hearing shall be at least ten (10) days following receipt of the appeal, and the District shall mail written notice of the hearing to the customer at least ten (10) days before the date of said hearing.

- b. **Interim Measures.** Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the General Manager or the enforcement officer, if one has been designated, may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water condition.

## **2413. IMPLEMENTATION BY GENERAL MANAGER**

The General Manager or designated representative is hereby authorized and directed to implement the provisions of this Ordinance. Guidelines regarding implementation procedures may be approved and/or modified from time to time by resolution by the Board.

## **2414. CEQA EXEMPTION**

The adoption of this Ordinance, and the actions taken hereunder, are exempt from the provisions of the California Environmental Quality Act of 1970 in that they constitute a project undertaken as immediate action necessary to prevent or mitigate an emergency pursuant to Section 15071 of the State EIR Guidelines.

**2415. DURATION OF ORDINANCE**

This Ordinance shall remain in effect until the Board finds that the threatened emergency and threatened water shortage no longer exists. The provisions of this Ordinance shall prevail and control in the event of any inconsistency with any other rules and regulations of the District.

**2416. SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be unconstitutional or invalid.

**2417. EFFECTIVE DATE, PUBLISHING AND POSTING**

This Ordinance shall be effective immediately upon adoption. Within ten (10) days of adoption, a copy of this Ordinance shall be published one time in a local newspaper and posted in the lobby of the District Office.

## **ARTICLE 25. DUE PROCESS HEARING**

**2501. REQUEST FOR HEARING.** Persons, who have received notice of imposition of fines or penalties, or of discontinuance of service, may request a hearing. The District must receive the request for hearing within fifteen (15) days of service of the notice of assessment of a fine or penalty, or notice of discontinuance of service. The request for hearing shall set forth in detail all facts supporting the request. After a timely request for hearing for has been received by the District, no attempts at collection shall be undertaken, nor shall service be discontinued, until either the statement of decision becomes final, or if the statement of decision is timely appealed, the Board's order on appeal is adopted.

**2502. NOTICE OF HEARING.** Within ten (10) days of the District's receipt of the request for hearing, the General Manager will provide written notice to the person making the request of the date, time and place of the hearing. The hearing date shall be within thirty (30) days of the mailing of the notice of hearing, unless the parties agree to a later date.

**2503. HEARING.** The General Manager shall hear the matter, or a designee appointed by the General Manager. At the hearing, the person requesting the hearing shall have an opportunity to respond to the allegations set forth in the notice of discontinuance of service by presenting written or oral evidence.

**2504. STATEMENT OF DECISION.** Within ten (10) days of the hearing, the General Manager or designee, shall prepare a written statement of decision, and the facts upon which the decision is based. The statement of decision shall be served by personal delivery or registered or certified mail to the customer. The statement of decision shall become final on the 16<sup>th</sup> day after service on the person requesting the hearing, unless an appeal and request for hearing is filed with the Board of Directors on or before the 15<sup>th</sup> day.

**2505. REQUEST FOR APPEAL.** Any person who has had a hearing may appeal a decision to impose fines or penalties or to discontinue service, by filing a written request for hearing with the Board of Directors before the date the statement of decision becomes final. The request for hearing shall set forth in detail all the issues in dispute and all facts supporting the request.

**2506. NOTICE OF APPEAL HEARING.** No later than thirty (30) days after receipt of the request for hearing, the Board of Directors shall set the matter for a hearing and shall send a written notice of said hearing to the appellant, by personal delivery or registered or certified mail. The Board of Directors shall hold the hearing within thirty (30) days of service of the notice of hearing, unless the parties agree to a later date. If the matter is not heard within the required time, due to acts or omissions of the appellant, the General Manager's statement of decision shall become final.

**2507. ORDER ON APPEAL.** After the hearing, the Board of Directors shall issue an order affirming, modifying or reversing the General Manager's decision. The Board shall set forth its determination and order in writing, and shall send the determination and order to the customer, by personal delivery, or registered or certified mail within thirty (30) days of the hearing. The order of the board shall be final upon its adoption.

## **ARTICLE 26. INSURANCE REQUIREMENTS PROFESSIONAL SERVICES**

**2601. MINIMUM INSURANCE REQUIREMENTS.** Contractor/Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries or death to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor/Consultant, his agents, representatives, employees or sub-contractors.

**2602. COVERAGE.** Coverage shall be at least as broad as the following:

- a. **Commercial General Liability (CGL)** – Insurance Services Office (ISO) Commercial General Liability Coverage (Occurrence Form CG 00 01) including products and completed operations, property damage, bodily injury, personal and advertising injury with limit of at least two million dollars (\$2,000,000) per occurrence or the full per occurrence limits of the policies available, whichever is greater. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (coverage as broad as the ISO CG 25 03, or ISO CG 25 04 endorsement provided to the District) or the general aggregate limit shall be twice the required occurrence limit.
- b. **Automobile Liability** – (if necessary) Insurance Services Office (ISO) Business Auto Coverage (Form CA 00 01), covering Symbol 1 (any auto) or if Contractor/Consultant has no owned autos, Symbol 8 (hired) and 9 (non-owned) with limit of one million dollars (\$1,000,000) for bodily injury and property damage each accident.
- c. **Workers' Compensation Insurance** – as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. **Waiver of Subrogation:** The Insurer(s) named above agree to waive all rights of subrogation against the District, its elected or appointed officers, officials, agents, authorized volunteers and employees for losses paid under the terms of this policy which arise from work performed by the Named Insured for the Agency; but this provision applies regardless of whether or not the District has received a waiver of subrogation from the insurer.
- d. **Professional Liability** – (Also known as Errors & Omission - \*Technology Exposure) Insurance appropriate to the Contractor/Consultant profession, with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.
- e. **Cyber Liability Insurance (Technology Professional Liability – Errors**



**and Omissions)**, with limits not less than \$2,000,000 per occurrence or claim, and \$2,000,000 aggregate or the full per occurrence limits of the policies available, whichever is greater. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Vendor in this Agreement and shall include, but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.

**2603. OTHER REQUIRED PROVISIONS.** The general liability policy must contain, or be endorsed to contain, the following provisions:

- a. **Additional Insured Status:** The District, its directors, officers, employees, and authorized volunteers are to be given insured status (at least as broad as ISO Form CG 20 10 10 01), with respect to liability arising out of work or operations performed by or on behalf of the Contractor/Consultant including materials, parts or equipment furnished in connection with such work or operations.
- b. **Primary Coverage:** For any claims related to this project, the Contractor/Consultant's insurance coverage shall be primary at least as broad as ISO CG 20 01 04 13 as respects to the District, its directors, officers, employees and authorized volunteers. Any insurance or self-insurance maintained by the District its directors, officers, employees and authorized volunteers shall be excess of the Contractor/Consultant's insurance and shall not contribute with it.

**2604. NOTICE OF CANCELLATION.** Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the District.

**2605. ACCEPTABILITY OF INSURERS.** Insurance is to be placed with insurers having a current A.M. Best rating of no less than A: VII or as otherwise approved by the District.

**2606. VERIFICATION OF COVERAGE.** Contractor/Consultant shall furnish the District with certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the District before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor/Consultant's obligation to provide them. The District reserves the right to require

complete, certified copies of all required insurance policies, including policy Declaration pages and Endorsement pages.

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**2001. APPLICABILITY.** Applicable to all new or transferred accounts for water service.

**2002. TERRITORY.** Within the boundaries of the West Valley Water District.

**2003. REFUNDABLE SERVICE DEPOSITS**

**Residential**

2003.1(a)	¾” to 1” meter size	\$95 each	Can be refunded following Article 9, Section 902
2003.1(b)	¾” to 1” meter size	\$240	In lieu of the required deed, property managers pay this higher refundable deposit (approved 2/07/2008)

**Commercial**

2003.2	¾” to 1” meter size	\$140 each	Can be refunded following Article 9, Section 902
2003.3	Fire Service Meter	\$140 each	Can be refunded following Article 9, Section 902

**Fire Hydrants**

2003.4(a)	Minimum Water Use	\$350 each	Can be refunded at the time meter/RP is returned, less any unpaid charges
2003.4(b)	2” Reduced Pressure Principal Backflow Prevention Assembly	\$1,500 each	
2003.4(c)	3” Meter	\$1,800 each	
2003.4(d)	4” Meter	\$2,200 each	

**Developer Meters**

2003.5(a)	¾” and 1” meter size	\$350 each	Can be refunded at the time of final inspection, less any charges for repairs to meter or any water usage
2003.5(b)	1 ½” and 2” meters	\$1,350 each	
2003.5(c)	3” Meters and larger	Actual cost, plus 20% for repairs	

**WATER SERVICE REGULATIONS**  
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**Construction and Development Deposits**

2003.6(a)	Valve Box	\$120 each valve	Can be refunded at closing
2003.6(b)	Irrigation Use	\$350 each	
2003.6(c)	Temporary Water Service from Fire Hydrant	Appropriate deposits from Fire Hydrants and Developer Meters	
2003.6(d)	Temporary Water Service Requiring Installation of Service and Meter	Appropriate Service Installation Charge (Section 2006)	
2003.6(e)	Lot Deposit	\$60 each lot	Can be refunded after property ownership transfers

**2004. FRONTAGE CHARGE.** The water main construction charge, as prescribed in Article 5, Section 512 hereof, shall be fixed in the amount of \$20 per front foot for the street frontage for which water service has been requested, except in areas where a charge has been previously established.

**2005. CAPACITY CHARGES.** Charges are hereby established as follows and effective June 3, 2021 and payable prior to installation of meters.

Type of Development

Apartment, Business, Commercial (light use), Condominium, Mobile Home Units, irrigation services and single-family residences.

Those single family dwellings being constructed on lots of less than 10,000 sq. ft. and being required to install a one (1”) inch meter and service to meet fire requirements shall pay a capacity charge equal to a 3/4 inch single family residence meter and a one (1”) inch fire line service.

Those single-family dwellings being constructed on lots consisting of 10,000 sq. ft. or more shall install a minimum of one (1”) inch meter and service.

Meter Size	Safe Maximum Operating Flow	System Demand Factor	Facility Charge
3/4”	30 gpm	1.0	\$15,302
1”	50 gpm	1.7	\$25,555
1 1/2”	100 gpm	3.3	\$50,957
2”	160 gpm	5.3	\$81,562
3”	350 gpm	11.7	\$153,025
4”	600 gpm	20.0	\$255,093
6”	1,250 gpm	41.7	\$510,032
8”	1,800 gpm	60.0	\$816,082

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(Flows are based on safe maximum operating per AWWA Standards C701-88)

Industrial and Commercial (other than light use)

Industrial and Commercial (other than light use) users shall pay based on the demand of the development (calculated and approved by the District) prorated with the District's demand for an equivalent dwelling unit (EDU) of the various components of the Capacity Charge times the dollar amount of the various components of the Capacity Charge for a 3/4-inch meter size, added together, but not less than the Capacity Charges listed above for Commercial (light use) for the various meter sizes.

Fire Line Services Capacity Charges

Meter Size	Safe Maximum Operating Flow	System Demand Factor	Facility Charge
1”	50 gpm	1.0	\$1,507
1 ½”	100 gpm	2.0	\$3,013
2”	160 gpm	3.2	\$4,821
3”	350 gpm	7.0	\$9,040
4”	600 gpm	12.0	\$15,066
6”	1,400 gpm	28.0	\$30,133
8”	2,400 gpm	48.0	\$48,212
10”	3,800 gpm	76.0	\$69,305
12”	5,000 gpm	100.0	\$129,571

(Flows through fire services shall not exceed 16 F.P.S. in velocity.)

There will be a fee of \$200 for the turn off of a fire service.

**2006. SERVICE INSTALLATION CHARGE.**

Meters

Where new meters are installed for the first time, the following charges or deposits shall be payable prior to installation:

Meter Size	Meter Only	Meter and Service
¾”	\$496	\$4,657
1”	\$568	\$4,729
1 ½”	\$1,632	Time & Materials
2”	\$1,811	Time & Materials
3” and larger	Time & Materials	Time & Materials

Time & Materials: If actual costs are less than the paid estimate, the customer will be refunded the difference. If installation costs exceed the deposit amount, the customer will

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be billed the difference.

Backflow Prevention Assemblies: (See Article 8, Sections 807 and 808, 810 and 811)

Non-compliant backflow prevention assemblies shall be subject to a fine in the amount of \$200 for each month of non-compliance.

Optional fees for installation of assemblies when required and when the customer requests the District to do the installation.

<b>Meter Size</b>	<b>Double Check</b>	<b>R.P.</b>
1”	\$203	\$339
1 ½”	\$443	\$614
2”	\$486	\$665

All other sizes shall be for cost of all labor, materials, and street repairs, plus twenty percent (20%). Only duly authorized employees or agents of the District will be authorized to install service connections.

**2007. INSPECTION FEES AND DEPOSITS.** Inspection fees are hereby established as follows:

- a. For pipelines, service and fire hydrant laterals constructed by the District, the inspection fee shall be \$1.00 per foot.
- b. For pipelines, service and fire hydrant laterals constructed by the developer per a waiver of the District’s standards, the inspection fee shall be a deposit estimated by the engineer. If the actual costs are less than the paid estimate, the developer will be refunded the difference.
- c. For single service laterals such as fire services and fire hydrants a minimum fee of \$300 shall be paid by developer/owner.
- d. There will be a fee of \$20 per lot for inspection of service prior to meter installation.
- e. For inspection of meters and facilities after installation, an additional fee of \$20.00 per lot shall be paid by developer/owner.

**2009. COMBINATION BACKFLOW/DETECTOR CHECK.** Full recorded costs of installation plus twenty percent (20%).

**2010. SAME DAY, NEXT WORKING DAY & AFTER HOURS SERVICE.** Any customer who desires same-day, next working day or after hour’s service, for other than emergencies, shall pay the following charges:

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Same Day	Next Working Day	After Hours (4:30 p.m. – 8:00 p.m. Daily, 4 p.m. on Friday) & 8:00 a.m. - 5:00 p.m. Weekends/Holidays
\$25	No Charge	\$50

Same day rates are based on ¼ hour office and ¼ hour field personnel. After Hours Rates are based on two hour minimum for field personnel with a vehicle at the overtime rate.

**2011. METER TESTING.**

If a customer desires to have the meter servicing his premises tested, he shall first make a deposit. Should the meter register more than two percent (2%) fast, this deposit shall be refunded. Should the meter register less than two percent (2%) fast, the deposit shall be forfeited to the District. (Article 10, Section 1005).

Meters

1" and smaller	\$100
Over 1"	Recorded Cost, Plus 20%

Backflow Prevention Assembly

3/4" to 2"	\$60
3" to 8"	\$75
Fire Service	\$90

Fire Flow Testing

A request for testing of a non-certified fire flow shall have a charge of \$150 per test. For a certified test, the deposit will be the District's estimated costs plus 20%. If the actual cost is less than the paid deposit, the District will refund the payer.

**2012. DELINQUENT CHARGE.** \$20.00 (See Article 11, Sections 1105 and 1106)

**2013. SHUT OFF NOTICE FEE.** The District will follow the notification guidelines in California Government Code Section 60373. If a customer was mailed a shut off notice and water is scheduled for shut off, a \$50 fee is applied. When the account is paid in full, the water will be turned back on the same day, unless it is after 5:00 PM. If paid after 5:00 PM, and the customer wants the water turned back on after hours, the customer will have to pay the after hours fee.

**2013.1 PULLED METER CHARGE.** If meter needs to be pulled from setting due to customer tampering, there will be a charge of \$125. Fee includes reinstallation of water meter.

**2014. RESPONSE TO A NO WATER CALL.** A fee of \$100 shall be applied when District

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personnel respond to a call for no water and the customer valve is the cause.

**2015. RESPONSE TO A SECOND LEAK CALL.** A fee of \$100 shall be applied when District personnel respond to a duplicate leak call.

**2016. METER OBSTRUCTION CHARGE.** A fee of \$75 shall be applied when District personnel are unable to access the meter.

**2017. RETURNED PAYMENTS.** A fee of \$25.00 shall be applied for all returned payments.

**2018. PLAN CHECK AND INVESTIGATION FEE.** A fee shall be charged for plan check and investigation of pipeline extensions and subdivisions as outlined in Article 6, Section 601(b) and Article 7, Section 707.

An investigation fee of \$500 will apply to all projects regardless of size. Projects shall be charged a plan check fee of \$408 per sheet and includes two (2) plan check submittals. The third and subsequent plan checks shall be charged a rate of \$102 per hour.

At the request of developers for phased projects, the charges, as stated above, shall be collected for the entire project and as the phases progress, a fee of \$500 per phase shall be collected for phase coordination and updating.

For small projects consisting of one (1) sheet, typically single services, single fire hydrants or fire services, a minimum fee of \$500 shall be applied.

**2019. COPY CHARGE.** Copies of public documents up to 10 continuous pages are free, as are emailed copies, and copies printed by the public from our website. The charge for copies of individual public documents is 25 cents per side on 8 ½ x 11” paper in black and white ink. Actual costs are charged for copies of individual public documents printed in color, are oversized, or are plotter prints or blue prints. Postage and long distance fax charges must be paid in advance. For documents already in electronic format, the charge is \$5 on CD-ROM.

**2020. OVERHEAD CHARGE.** Overhead charges for projects as described in Article 2 shall be as follows:

- a. 20% of all recorded costs
- b. Construction contracts in an amount up to:

\$75,000	10%
\$124,000	\$7,500 + 7.5% over \$75,000
\$200,000	\$11,175 + 5.0% over \$124,000
Over \$200,000	\$14,975 + 3.5% over \$200,000



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c. The appropriate charges set forth above shall be applied.

**2021. CONSTRUCTION CONTINGENCY DEPOSIT.** Owner/Developer shall deposit with the District an amount equal to ten (10%) percent of the construction cost estimate, for contingency during construction, said construction contingency deposit shall be refunded to the Owner/Developer at time of final inspection, less any necessary charges due to unexpected change orders.

**2022. RELEASE OF OVERLYING RIGHT-OF-WAYS AND EASEMENTS.** Release of overlying right-of-ways and easements shall be \$50.00 per acre or any portion thereof with a minimum fee of \$500.

**2023. HOURLY LABOR RATE.** Hourly labor rates are adjusted on an annual basis by averaging employees' salaries and benefits. (See Exhibit "A" in back of the Manual.)

**2024. VEHICLE/EQUIPMENT HOURLY RATE.** The hourly rate is established utilizing the State of California Labor Surcharge and Equipment Rental Rate on an annual basis, prior to the beginning of the fiscal year. (See Exhibit "B" in back of the manual.)

**2025. FINES FOR VIOLATION OF DISTRICT'S SERVICE REGULATIONS.**

1. Unauthorized and/or illegal use of public fire hydrants
  - Fine of \$275.00
  
2. Unauthorized and/or illegal use and consumption on private fire systems and/or of fire hydrants:
  - Fine of \$275.00
  - Plus the cost of water at the rate of 50 times the recorded consumption rate.
  
3. Unlawful service connection
  - Fine of \$275
  - Plus the estimated monthly services Charges and estimated water consumption
  
4. Contamination of District's water system through backflow
  - Fine of \$550.00
  - Plus recorded costs

**2023. HYDRANT WATER.**

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Monthly service charge per meter:	\$73.17
Consumption Rate:	\$2.76 / 100 cf
Minimum monthly charge:	\$115.78

**2024. FIRE SERVICE.**

Monthly service charge	\$10.54 / diameter inch
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Examples:

4”	\$42.16
6”	\$63.24
8”	\$84.32

**2025. BACKFLOW PREVENTION ASSEMBLY.** Monthly service charge of \$2.84.

**2026. WATER SERVICE APPLICATION FEE.** Applicants for water service shall pay an application fee of \$25. This charge is due when the application is submitted, in advance of the water service being provided. The application fee is charged for residential, commercial, and fire hydrant application. The application fee is in addition to any deposit, and is not refundable.

**2027. DELINQUENT COLLECTIONS FEE.** Accounts that are submitted to a collection agency will be charged \$20 each. The \$20 Collection Fee will be added to the amount submitted to the collection agency.

**2028. LIEN FEE.** Accounts that are submitted to the tax collector for lien will be charged \$30 each. The \$30 Lien Fee will be added to the amount submitted for the lien.

**2029 CUSTOMER REQUESTED RE-READ FEE.** Customers requesting a re-read of their water meter within six months of the last customer requested re-read shall be charged \$20 at the time of their request. The \$20 will appear on their next bill. It is refundable only if the District determines that there was a reading error.

# WATER SERVICE REGULATIONS

## “EXHIBIT D”

**2101. RATE SCHEDULE.** Rates for all users shall hereby be established as follows:

a. Monthly Service Charge

<b>Meter Size</b>	<b>1/1/2013</b>	<b>1/1/2014</b>	<b>1/1/2015</b>
5/8" & 3/4"	\$16.79	\$19.31	\$22.21
1"	\$25.01	\$28.76	\$33.07
1 1/2"	\$36.88	\$42.41	\$48.77
2"	\$50.80	\$58.42	\$67.18
3"	\$73.74	\$84.80	\$97.52
4"	\$97.21	\$111.79	\$128.56
6"	\$147.46	\$169.58	\$195.02
8"	\$197.71	\$227.37	\$261.48

b. Monthly Consumption Commodity Charge

<b>Per Unit</b>	<b>1/1/2013</b>	<b>1/1/2014</b>	<b>1/1/2015</b>
0-10 Units	\$1.60	\$1.85	\$2.13
11-50 Units	\$1.75	\$2.00	\$2.30
51 Units & up	\$1.90	\$2.20	\$2.53

A unit is 748 gallons.

c. Out-of-District rates and charges shall be one and one-half (1 1/2) times regular In-District rates.

d. Golf Course, Agricultural, and Non-Potable

Rates for monthly service charge, water use, and any other charges will be assessed as reflected in the tables above.

