

TABLE OF CONTENTS

ORDINANCE 99W-1

PONDEROSA COMMUNITY SERVICES DISTRICT WATER SERVICE ORDINANCE

| | Page |
|---|------|
| Section 1. Findings and Declaration | 2 |
| Section 2. Adoption of Ponderosa Community Services District Water Service Ordinance | 2 |
| Section 3. Effective Date | 2 |

Appendix A
Water Service

| | |
|--|----|
| Chapter 2.04 General Provisions | 4 |
| Chapter 2.08 Definitions | 6 |
| Chapter 2.12 Water Department | 10 |
| Chapter 2.16 Application for Water Service | 10 |
| Chapter 2.20 Water Main Extensions | 12 |
| Chapter 2.24 Subdivisions | 16 |
| Chapter 2.28 Annexations | 17 |
| Chapter 2.32 Standards for Construction | 18 |
| Chapter 2.36 General Use Regulations | 18 |
| Chapter 2.40 Flat Rate and Tiered Rate Service | 23 |
| Chapter 2.44 Other Charges | 25 |
| Chapter 2.48 Credit | 25 |
| Chapter 2.52 Collection by Suit | 26 |
| Chapter 2.56 Complaints | 27 |
| Chapter 2.60 Disconnection of Services | 27 |
| Chapter 2.64 Public Fire Protection | 29 |
| Chapter 2.68 Private Fire Protection Service (Deleted) | |
| Chapter 2.72 Temporary Service | 29 |
| Chapter 2.76 Rate and Charges | 30 |

Appendix B

| | |
|---------------------------------|----|
| District Service Area Map | 32 |
|---------------------------------|----|

Resolution 2016-125-W

A Resolution of the PONDEROSA COMMUNITY SERVICES DISTRICT revising and restating Ordinance 99W-1-A, which established the Water Department and Water Service Standards.

The Board of Directors of the PONDEROSA COMMUNITY SERVICES DISTRICT does hereby ordain as follows:

Section 1. Findings and Declaration

The Board of Directors of the Ponderosa Community Services District finds and declares that:

1. The Ponderosa Community Services District “District or “the District” is a Community Services District duly recognizes its responsibility to maintain and administer a set of rules and regulations for water service maintenance and distribution.
2. The existing set of rules and regulations was last updated on or about December 2, 2004.
3. The District recognizes that revisions are necessary to change, clarify and update the existing rules and regulations.

Section 2. Adoption of Restatement and Revisions to the Ponderosa Community Services District Water Service Ordinance

The Board of Directors hereby revises and restates the Ponderosa Community Services District Code consisting of Chapters 2.04 through 2.76 pertaining to water services. The revised and restated code shall read as set forth in Exhibit “A” attached hereto and incorporated herein by this reference.

Section 3. Effective Date

This Ordinance shall be in effect thirty (30) days from and after its passage, adoption and approval.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed and adopted by roll call at a regular meeting of the Board of Directors of the PONDEROSA COMMUNITY SERVICES DISTRICT, duly held on the 11th day of February, 2016.

| Directors | AYE | NO |
|------------------------|-----|-------|
| <i>Dale Doty</i> | X | _____ |
| <i>Cheri Marchaunt</i> | X | _____ |
| <i>William Benton</i> | X | _____ |
| <i>Michael Moroney</i> | X | _____ |
| <i>Paul Cohen</i> | X | _____ |

SO ORDERED:

Dale Doty, President

Attest:

Jennifer Robertson, Secretary

**APPENDIX A
WATER SERVICE**

Chapters:

- 2.04 General Provisions
- 2.08 Definitions
- 2.12 Water Department
- 2.16 Application for Water Service
- 2.20 Water Main Extensions
- 2.24 Subdivisions
- 2.28 Annexations
- 2.32 Standards for Construction
- 2.36 General Use Regulations
- 2.40 Flat Rate and Tiered Rate Service
- 2.44 Other Charges
- 2.48 Credit
- 2.52 Collection by Suit
- 2.56 Complaints
- 2.60 Disconnection of Services
- 2.64 Public Fire Protection
- 2.68 (Deleted)
- 2.72 Temporary Service
- 2.76 Rates and Charges

**Chapter 2.04
General Provisions**

Sections:

- 2.04.010 Short Title
- 2.04.020 Purpose
- 2.04.030 Rules and Regulations
- 2.04.040 Words and Phrases
- 2.04.050 Water System
- 2.04.060 Uniformity of Application
- 2.04.070 Severability
- 2.04.080 Penalty for Violation
- 2.04.090 Relief on Application
- 2.04.100 Relief on Own Motion
- 2.04.110 Oaths

2.04.010 Short title. This Ordinance shall be known and may be cited as the Ponderosa Community Services District Water Service Ordinance.

2.04.020 Purpose. This Ordinance is intended to provide rules and regulations applicable to the administration and operational activities of the District. This Ordinance may be amended from time to time by action of the Board of Directors of the Ponderosa Community Services District.

2.04.030 Rules and regulations. In addition to the Rules and Regulations set forth in this Ordinance as may be amended from time to time, the Board may, by resolution establish and change rules and regulations relating to fees and charges, personnel matters and any other matter not regulated herein.

2.04.040 Words and phrases. All words used herein shall have the meaning normally ascribed to them unless the context indicates otherwise, or specific definition is supplied. All words in the singular include the plural, and vice versa; all words in the present tense shall include the future.

2.04.050 Water system. Water service shall be provided by the Ponderosa Community Services District by means of an enterprise hereinafter referred to as the "Ponderosa Community Services District Water System." The Water System shall include, but not be limited to, all meters, water reservoirs, wells, tanks, pumps, pipes, lines, treatment plants, improvements, buildings, systems, facilities and other structures, or works and all appurtenances thereto, together with all easements and all permits, licenses, water and other rights, and all personal property which may be affixed to any thereof or which may have been affixed or a part thereof but which may have been severed there from, now or at any time and which is used for or useful for the obtaining, conserving, treating and supplying of water for domestic use, irrigation, or any other public or private uses, in the District

2.04.060 Uniformity of application. Where provision is made for the implementation of this Ordinance by resolution, the provisions of such resolution shall apply uniformly to all persons similarly situated and affected thereby.

2.04.070 Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

2.04.080 Penalty for violation. For the failure of the customer to comply with all the provisions of this Ordinance or any part thereof, and any resolution fixing rates and charges and rules or regulations of the District or Water Department, the customer's service shall be discontinued and water shall not be supplied to such customer until the customer shall have complied with this Ordinance, the rule or regulation, or rate or charge which the customer has violated, or in the event that the customer cannot comply with said rule or regulation, until the customer shall have satisfied the Water Department that in the future the customer shall comply with this Ordinance, with all the rules and regulations established by this Ordinance and with all rates and charges of the District. In addition thereto, the customer shall pay the District the amount established for the renewal of water service.

2.04.090 Relief on application.

- A. When any person, by reason of special circumstances, is of the opinion that any provision of this Ordinance or of any resolution or order referred to in this Ordinance is unjust or

inequitable as applied to his/her premises, he/she may make written application to the District, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

- B. If such application is approved, the District may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

2.04.100 Relief on own motion. The District may, on its motion, find that by reason of special circumstances any provision of this Ordinance or of any resolution or order referred to in this Ordinance, should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

2.04.110 Oaths. The President or the Vice-President of the Board of Directors may administer oaths and affirmations in connection with the giving of testimony at any hearing, investigation, or other matter pending before the Board of Directors.

Chapter 2.08

Definitions

Sections:

- 2.08.010 Generally
- 2.08.020 Above Primary
- 2.08.030 Applicant
- 2.08.040 Board
- 2.08.050 Commercial Service
- 2.08.060 Connection Fee
- 2.08.070 Control Valve
- 2.08.080 Cross-connection
- 2.08.090 Curb Stops
- 2.08.100 Distribution Main
- 2.08.110 District
- 2.08.120 District Engineer
- 2.08.130 District President
- 2.08.140 Domestic Property
- 2.08.150 Domestic Service
- 2.08.160 Dwelling
- 2.08.170 Extensions
- 2.08.180 Flat Rate Service
- 2.08.190 May
- 2.08.200 Multiple Users
- 2.08.210 Office Manager
- 2.08.220 Owner
- 2.08.230 Person
- 2.08.240 Premises

2.08.250 Primary Area
2.08.260 Private Fire Protection Service
2.08.270 Public Fire Protection Service
2.08.280 Service or Service Connection
2.08.290 Tiered Rate Service
2.08.300 Water Department
2.08.310 Water Manager
2.08.320 Water Service Coordinator
2.08.330 Water Service, Regular
2.08.340 Water Service, Temporary
2.08.350 Will/Shall

2.080.010 Generally. The definition of terms set forth in this Chapter shall apply throughout this Ordinance.

2.080.020 Above primary. “Above Primary” means that portion of the District wherein it is necessary that water be pumped through a booster pumping system in order that it is delivered to the premises of the customers.

2.08.030 Applicant. “Applicant” means a person making written application for a main line extension, water service or a water subsystem within a tract of land or land assignment within or without the boundaries of the District.

2.08.040 Board. “Board” means the Board of Directors of the Ponderosa Community Services District.

2.08.050 Commercial service. “Commercial Service” means the provision of water to residential premises used for commercial purposes or business premises.

2.08.060 Connection fee. “Connection fee” means a fee to be paid by an applicant for new water service connections determined by resolution by the District. Connection fees paid to the District do not include the cost of constructing the service but represent the proportionate cost of existing infrastructure.

2.08.070 Control valve. “Control valve” means a valve, independent of the District’s facilities, located in the customer’s piping as close to the curb stop as practicable, the operation of which will control the entire water supply.

2.08.080 Cross-connection. “Cross-connection” means any physical or potential connection between the piping system from the District’s service and that of any other water supply whereby water from the unapproved source may be forced or drawn into the District’s distribution mains or system.

2.08.090 Curb stop. “Curb stop” (also known as the customer service valve) means a valve between the distribution main and the customer facilities for the use of the District in controlling the water supply to a customer.

2.08.100 Distribution main. "Distribution main" means water lines located in streets, roads, rights of way and easements that are used for fire protection and for the general distribution of water.

2.08.110 District. "District" means the Ponderosa Community Services District.

2.08.120 District Engineer. "District Engineer" means the registered civil engineer appointed by the District to act as such, either on a regular or part-time basis.

2.08.130 District President. "District President" means the President of the Board of Directors or his/her authorized representative.

2.08.140 Domestic property. "Domestic property" means premises used for residential purposes, including such residential uses as are excluded, by definition, from commercial property.

2.08.150 Domestic Service. "Domestic Service" means the supplying of water for residential purposes.

2.08.160 Dwelling. "Dwelling" means a habitable place of residence

2.08.170 Extensions. "Extensions" means the addition of distribution mains, exclusive of service connections, beyond existing facilities.

2.08.180 Flat Rate Service. "Flat Rate Service" means service for which charges are based upon the types and numbers of units served.

2.08.190 May. "May" means permissive.

2.08.200 Multiple users (Business service). "Multiple users (business service)" means water service and facilities rendered for separate houses, buildings, living or business quarters, such as motels, mobile home parks, commercial and shopping centers, under single control or management, and/or located on single premises.

2.08.210 Office Manager. "Office Manager" means that person designated to perform clerical tasks necessary to the operation of the water system and otherwise perform the duties required by this Ordinance.

2.08.220 Owner. "Owner" means the person(s) owning the fee, or the person(s) in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office or the person(s) in possession of the property or buildings under a land assignment or lease approved by the District, or exercising acts of ownership over any of the above as executor, administrator, guardian or trustee of the owner(s).

2.08.230 Person. "person" means an individual, company, association, co-partnership, public or private corporation, any group acting in combination as a unit or any District, provided, however, that the term shall not include the Water District.

2.08.240 Premises. "Premises" means a lot or parcel of real property under fee or non-trust ownership, or an assignment or lease of land approved by the District.

2.08.250 Primary area. "Primary area" means that portion of the District wherein water need not pass through a booster pumping system in order that it be delivered to the premises of the customers.

2.08.260 Private fire protection service. "Private fire protection service" means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed in private dwellings or buildings for fire protection and the water available for fire protection, excepting house service connections and appurtenances thereto.

2.08.270 Public fire protection service. "Public fire protection service: means the 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 thereto.

2.08.280 Service or service connection. "Service" or "service connection" means the pipe line from the main and appurtenant facilities such as the street edge or curb stop, all used to extend water service from a distribution main to premises. Where services are divided at the street edge, curb or property line to serve several customers, each such branch service shall be termed a separate service and service charges shall be incurred for each such branch service.

2.08.290 Tiered rate service. "Tiered rate service" means service for which a customer's charges escalate based on the amount of water used by the customer in each billing period.

2.08.300 Water Department. "Water Department" means the department of the District which administers the District water system, which department is staffed by the Water Coordinator, Water Manager and other persons designated by the District to perform functions related to water service within the boundaries of the District.

2.08.310 Water Manager. "Water Manager" or "Manager" means that person appointed by the District to operate the Water system, as defined in Section 2.04.050 above, and otherwise perform the duties required by this Ordinance.

2.08.320 Water Service Coordinator. "Water Service Coordinator" or "Coordinator" means that person (typically a member of the Board of Directors) appointed to perform administrative functions related to the administration of water service.

2.08.330 Water service, regular. "Regular water service" means water service and facilities rendered for normal domestic, commercial or industrial purposes on a permanent basis, and the water available therefore.

2.08.340 Water service, temporary. "Temporary water service" means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.

2.08.350 Will /Shall. “Will/Shall” means mandatory.

Chapter 2.12 Water Department

Sections:

2.12.010 Creation.

2.12.010 Creation. A Water Department is created, consisting of a Coordinator, Water Manager, Office Manager and such other personnel as the District may designate from time to time by resolution.

Chapter 2.16 Application for Water Service

Sections:

2.16.010 Application Required

2.16.020 Contents of Application

2.16.030 Water Service to Customers Other Than Property Owners

2.16.040 Undertaking of Applicant

2.16.050 Payment for Previous Service

2.16.060 Installation of Service

2.16.070 Water Loss

2.16.080 Damages Through Leaking Pipes and Fixtures

2.16.090 Location of Facilities

2.16.100 Expiration of Application

2.16.110 Refund of Fee

2.16.010 Application required. Each applicant for regular water service shall be required to sign an application form provided by the Office Manager and approved by the District.

2.16.020 Contents of application. Each application shall set forth the following:

- A. Date of application;
- B. Name of applicant;
- C. Street address of property, if applicable, to be served;
- D. The assessor’s parcel number, lot number, assignment number or lease number of the property to be served;
- E. Billing name and address;
- F. Applicant’s relation to the property owner, tenant, lessee, assignee, agent or builder;
- G. Applicant’s signature and agreement to abide by this Ordinance or any regulations or resolutions issued pursuant thereto and to promptly pay any bills;
- H. Owner’s, lessees, assignee’s or occupant’s name and address on the recorded deed, lease, assignment or permit, if different from that of applicant;

- I. Purpose for which the service is intended - domestic, commercial, industrial, or other (identify);
- J. If application is for an existing structure(s) or for new construction;
- K. The amount of deposit required.

2.16.30 Water Service to Customers Other Than Property Owners.

- A. Inability to obtain the owner's signature. If, after making reasonable efforts, the tenant is unable to secure the property owner's signature on the application for service, water service may be instituted in the tenant's name, pursuant to District rules and regulations. In any event, the tenant shall provide the District with the property owner's name, mailing address and telephone number prior to the District providing the tenant with any water service. The District shall thereafter mail the application for service to the owner for signature.
- B. Responsibility and liability. Both the tenant and the property owner shall be liable for any unpaid charges, fees, rates, penalties, interest, and damages required as a result of nonpayment of any District fees, charges and rates as provided in this Ordinance, or as provided in any other Ordinance, resolution, rule or regulation in effect at this time or as hereinafter adopted or amended.
- C. Owner responsibility. Whether or not a property owner signs the District's application for services form, and whether or not the District mails the property owner the application for service, the property owner shall be responsible for any unpaid water charges for the subject property as provided in this ordinance and pursuant to California Government Code Section 61620 et seq. Accordingly, all notices to a customer who is not an owner shall also be sent simultaneously to the owner.

2.16.040 Undertaking of applicant. Such application will signify the customer's willingness and intention to comply with this and other ordinances, resolutions, rules or regulations relating to regular water service and to make payment for water service.

2.16.050 Payment for previous service. No application for service shall be honored unless payment in full has been made for service previously rendered to the applicant by the District. Water service to a particular premises or dwelling shall not be resumed unless payment in full has been made for water service previously rendered to such premises or dwelling.

2.16.060 Installation of service. Where no connection exists, installation of a new service connection shall be completed by the Water Department following receipt of the completed application and the connection fee and any other applicable charges.

2.16.070 Water loss. The District's jurisdiction and responsibility ends at the property line and the District shall in no case be liable for or assume any responsibility for damages occasioned by water running from the customer's open or faulty fixtures, or from broken or damaged pipes inside the property line (Customer side of meter, control/service valve).

2.16.080 Damages through leaking pipes and fixtures. When turning on the water supply as requested to a house or property which is vacant, the District will make a reasonable attempt to ascertain if water is running on the inside of the building. If such is found to be the case, the

water shall be left shut off at the curb stop or the private shutoff. The District's jurisdiction and responsibility ends at the property line and the District shall in no case be liable for or assume any responsibility for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

2.16.090 Location of facilities. Regular water service shall be installed at the location determined by the Water Department. Service installations shall be made only to property, premises or dwellings fronting on a main line in public streets or on such distribution mains as may be constructed in rights of way or easements. The installation of such facilities may be required by the Water Department to be completed at the front property line, unless existing physical conditions warrant locating such facilities otherwise as the Water Department may determine.

2.16.100 Expiration of application. Every application for new service shall expire and become void one hundred (100) days from the date of the application. The applicant may apply in writing to the District for an extension of time not to exceed sixty (60) days. The fees and charges paid by the applicant shall be refunded if the application expires, less administrative costs to be established by resolution of the District and any other costs and expenses incurred by the District.

2.16.110 Refund of fees. Applicant may request in writing to the Office Manager to withdraw his/her application anytime within one hundred days from the date of the application. All fees and charges paid by applicant shall be refundable, less actual costs and expenses, including labor, incurred by the District in processing the application.

Chapter 2.20 Water Main Extensions

Sections:

- 2.20.010 General
- 2.20.020 Application for Main Extension
- 2.20.030 Terms and Conditions
- 2.20.040 Deposit
- 2.20.050 Specifications and Construction
- 2.20.060 Maintenance Bond
- 2.20.070 Main Extensions--Property of District
- 2.20.080 Extensions by District
- 2.20.090 Fees and Deposits, Environmental Quality
- 2.20.100 Deposit of Fees and Costs
- 2.20.110 Preliminary Title Report, Easements
- 2.20.120 Title Insurance, Other Real Property
- 2.20.130 Reimbursement Agreement
- 2.20.140 Special Reimbursement Agreements

2.20.010 General. Where an extension of the distribution mains is necessary or in the opinion of the District a substantial investment is required to furnish service to any parcel, premises or

dwelling, the applicant shall be informed by the Water Department whether service can be extended under the District rules, regulations and ordinances.

2.20.020 Applicant for main extension. Each application shall set forth the following:

- A. Deleted
- B. Name and address of applicant;
- C. Street address of property, parcel or premises;
- D. Assessor's parcel number, lease number, lot number or assignment number of the property;
- E. Applicant's relation to the parcel, premises or property as owner, tenant, lessee, assignee, agent or builder;
- F. Applicant's and owner's signature and agreement to be bound by ordinances, regulations and resolutions of the District;
- G. Property owner's, lessee's or assignee's name and address if different from that of applicant;
- H. Type of service required - domestic, commercial, industrial or other (identify); and
- I. Agreement to make a deposit in an amount as required by the District.

2.20.030 Terms and conditions. Any extensions of District water mains to service new customers shall be in accordance with this Chapter and under the terms and conditions to be established by the District.

2.20.040 Deposit. Applicants for main extensions shall be required to deposit with the District, before construction is commenced, cash or surety bonds approved by the District covering the estimated reasonable total installed cost of the necessary facilities, exclusive of meters, as estimated by the District Engineer. The total installed cost shall include engineering, environmental, legal, inspection, reasonable overhead and other fees and costs attributable to the project in addition to the cost of labor and materials.

2.20.050 Specifications and construction.

- A. The size, type and quality of materials and location of the line shall be specified by the District Engineer. The actual construction shall be done by a licensed contractor hired by the applicant and acceptable to the District and shall be inspected by the District Engineer. A detailed print of the proposed plan shall be submitted to the District by the applicant, and the District shall require that this print be over the signature of a licensed engineer. No acceptance of a water main extension shall be made unless and until all fees for inspection and all other charges therefore established have been paid to the District.
- B. The applicant or his/her contractor shall provide bonds and insurance as required by the District or by such standard specifications, as shall be adopted by the District from time to time by resolution.
- C. All work shall be done in accordance with said requirements, standards or specifications.

2.20.060 Maintenance bond. Before any main extension, which is installed pursuant to this Chapter, shall be accepted by the District, the applicant shall file, or cause to be filed, a maintenance bond guaranteeing the main extension against defects in workmanship and materials. The bond shall be in an amount determined by the District Engineer but not less than

fifty percent (50%) of the total cost of construction. The obligations of a maintenance bond shall be deemed fulfilled at the end of one year from the date of final acceptance of the main extension, provided that at that time the main extension is in good condition and meets the requirements of the plans and specifications. Any bond shall be approved by the District before being accepted for filing.

2.20.070 Main extensions are property of District. All main line extensions and facilities constructed and installed pursuant to this Chapter shall become the property of the District.

2.20.080 Extensions by District. In the case of single family residences requiring no more than 300 feet of water main extension, the Applicant may make a written request for the District to install the water main extension instead of having the installation made by a Contractor. The District shall install no water main extensions except as requested by the Applicant and authorized by the Board. Upon the request and Board authorization, the District Engineer shall determine size, location and length of the water main to serve the property where the Applicant's individual single family residence is located. The water main extension shall extend across the entire Front Footage of the Applicant's property adjacent to public rights of way or easements. The applicant shall pay all costs incurred by the District. Charges shall be determined as follows:

- a) If an existing water main of sufficient capacity is adjacent to, but not immediately fronting the property for which service is requested, the Applicant shall pay to the District the Front Footage Charge as established from time to time by resolution adopted by the Board of Directors.
- b) If the property for which service is requested is not adjacent to an existing water main of sufficient capacity, the Applicant shall pay, in addition to the Front Footage Charge, the Main Extension Charge from the nearest point of connection to an existing main, to a point adjacent to the nearest property line of the property. The dollar amount, if any, to be reimbursed by the District to the Applicant shall be included in the Main Extension Agreement.
- c) During a period of time not to exceed ten (10) years from the date of installation, the District shall, without interest, refund annually to the Applicant, or his assignee, all front footage charges collected from other customers requiring service from the water main extension paid for by the Applicant. Any balance remaining on deposit at the expiration of the ten-year period shall become the property of the District and shall no longer be subject to refund.

2.20.090 Fees and deposits, environmental quality. Where the District is the lead agency or a responsible agency for any project under the National Environmental Policy Act, or other similar or successor acts, the person or persons beneficially interested shall deposit with the District the estimated costs of the District's preparation of materials, reports and the making of evaluations of the proposed project as estimated by the District Engineer. Should the amount of deposit be inadequate to meet the District's cost as lead agency as required by law, the District shall, prior to completion of the District Engineer's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project, which shall be immediately deposited with the District. Reimbursement shall be in accord with Section 2.20.130.

2.20.100 Deposit of fees and costs. All administrative fees and costs, legal fees and costs and engineering fees and costs incurred by the District in relation to the proposed facilities shall be paid by the applicant. For this purpose, the District shall collect in advance a minimum deposit to be established by resolution of the District prior to commencing any preliminary review. Should the District's expense at any time exceed the deposit, the District shall require an additional deposit prior to proceeding with the preliminary review. Any excess shall be refunded to the applicant.

2.20.110 Preliminary title report, easements. When any extension is to be constructed within easements over private property, the District shall require an applicant to furnish at the applicant's expense a preliminary title report to evidence title satisfactory to the District. Such report shall be provided prior to commencement of construction and as a condition of acceptance of the extension and the facilities by the District.

2.20.120 Title insurance, other real property. Title to any property conveyed to the District for the construction or otherwise in connection with water facilities shall be evidenced by a preliminary title report and title insurance in a form acceptable to the District and furnished at applicant's expense.

2.20.130 Reimbursement agreement. Where the cost of the water main extension has been paid by the person requesting such extension, the District shall thereafter, but not for longer than ten years after the date such extension is originally connected to the District's water system, collect from any person connecting to such extension, except the person originally installing such extension, that fraction of the cost of such extension, as approved by the District, as the amount of lineal footage of the property, premises or parcel along such extension owned, assigned or leased by such person subsequently connecting to such extension bears to the total amount of lineal footage of the property, premises or parcel held by potential users along the extension as determined by the District as of the time the extension is connected to the District's water system. Such sums as are thus actually received by the District shall be paid by the District to the person originally making such extension, but the District shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such refund be made from any other revenues of the District. Where more than one person contributes toward the making of the extension, such sums as are actually collected shall be refunded to such persons, pro rata, according to the amount which they severally contribute toward the cost of the extension and pursuant to the preceding formula.

2.20.140 Special reimbursement agreements. Where special conditions exist, in the opinion of the District, relating to any agreement pursuant to the immediately preceding section of this Ordinance, they shall be the subject of a special contract between the District and the person making the water main extension.

Chapter 2.24 Subdivisions

Sections:

- 2.24.010 Subdivisions
- 2.24.020 Application
- 2.24.030 Application--Contents
- 2.24.040 Investigation
- 2.24.050 Agreement, Design and Construction
- 2.24.060 Deposit Before construction
- 2.24.070 Property of District
- 2.24.080 Service Connections
- 2.24.090 Further Requirements
- 2.24.100 Extensions by District
- 2.24.110 Time limit on Application
- 2.24.120 Environmental Quality

2.24.010 Subdivisions. A subdivision is a tract of land consisting of five or more premises, lot, assignments, leases or parcels

2.24.020 Application. A person desiring to construct a water system for a tract of land, which he/she proposes to subdivide, shall make written application therefore to the District.

2.24.030 Application--Contents. The application shall state the number of the tract, assignment, lot or lease and its location. It shall be accompanied by a copy of a map and of the plans, profiles and specifications for the street, sanitary sewer and storm drain work to be constructed.

2.24.040 Investigation. Upon receiving the application, the District Engineer shall make an investigation of the proposed subdivision and shall report his/her findings to the District including a recommendation as to the facilities required and the estimated cost of the proposed water system therefore. The size, type and quality of materials shall be in accordance with the District's standards and specifications in effect at the time of application.

2.24.050 Agreement, design and construction.

- A. A person desiring to provide a water system for a subdivision shall enter into a subdivision agreement with the District. The applicant shall have prepared, by a licensed engineer, project plans and specifications acceptable to the District.
- B. The size, type and quality of materials, and the location of the lines, shall be specified by the District Engineer. The actual construction shall be done by a licensed contractor hired by the applicant and acceptable to the District, and inspected by the District Engineer. The applicant shall submit a detailed print of the proposed project to the District.
- C. The applicant or his/her contractor shall provide bonds and insurance as required by the District or any standards or specifications established from time to time by resolution of the District.
- D. All work shall be done in accordance with all standards and specifications of the District.

2.24.060 Deposit before construction. Applicants for main extensions to service subdivisions, tracts or housing projects shall be required to deposit with the District before construction is commenced cash or surety bonds approved by the District, covering the estimated reasonable total installed costs, as estimated by the District Engineer, of the necessary facilities for the entire project.

2.24.070 Property of the District. All water facilities shall become and be the property of the District and shall be conveyed to the District by a proper instrument in writing at or before the time the facilities are completed and before they are accepted by the District.

2.24.080 Service connections. The sub-divider shall, at his/her cost, provide and install the service connection to each dwelling, building, structure or premises in the subdivision, including the pipeline and curb stop. The applicant shall, at the time of the application for water service, pay the District's connection fee and other applicable charges in effect at the time of application.

2.24.090 Further requirements. In granting an application, the District may make whatever further requirements or establish such conditions as may appear to it to be reasonably necessary or desirable.

2.24.100 Extensions by the District. The District may make extensions to the facilities constructed under this Chapter without obligation to applicant.

2.24.110 Time limit on application. If work under an application is not commenced and completed within the time specified in the subdivision agreement, the District may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub-divider.

2.24.120 Environmental quality. The requirements of Section 2.20.090 of this Ordinance shall be applicable under this Chapter and are incorporated by this reference.

Chapter 2.28 Annexations

Sections:

2.28.010 Application

2.28.020 Terms of Annexation

2.28.030 Annexations of developed land

2.28.010 Application. A person desiring to annex land to the District shall make written application accompanied by maps showing location and area of the land with legal descriptions.

2.28.020 Terms of annexation. Terms and fees shall be determined by the Board, but in all cases, transfers of water rights, wells, and springs shall be made to the District.

2.28.030 Annexation of developed land. Owner or owners of land requesting annexation to the District, where said land is developed, shall, at their own expense, provide for such water mains, valves, fire hydrants, services, and appurtenances as may be necessary for the distribution of water to each lot, piece, or parcel of land as a condition of annexation. The service shall be carried to the lot line and clearly marked on the property. When installed, such water improvements shall become and be the property of the District. Any existing water system or portion thereof in the annexed section shall first be improved, if necessary, to the design standards of the District at the expense of the owner or owners of property desiring annexation. Extension of water mains to uninhabited or underdeveloped land proposed to be annexed to the District shall be made in compliance with the main extension and/or subdivision policies for subdivisions as herein set forth in Chapters 2.20 and 2.24.

Chapter 2.32 Standards for Construction

Sections:

- 2.32.010 Preparation of Standard Specifications
- 2.32.020 Construction of Water System Facilities
- 2.32.030 Adoption of Uniform Codes by Resolution

2.32.010 Preparation of standard specifications. The District shall have the District Engineer prepare standard specifications for the construction and installation of all water system facilities including but not limited to the: (1) depth and grade for laying water mains or pipelines; (2) size and type of pipe material used for water mains and pipelines; (3) type of meters and installation; (4) type of backflow prevention devices and installation; (5) pumps and lift stations and (6) any other water facilities needed or used to operate the water system effectively. The plans and specifications shall be reviewed annually by the District Engineer and approved by the District.

2.32.020 Construction of water system facilities. All replacements or repairs and all additions to the existing water system shall be constructed in accordance with the standards and specifications and uniform codes adopted by the District pursuant to this Chapter.

2.32.030 Adoption of Uniform Codes by resolution. The District may from time to time adopt by resolution the Uniform Administrative, Building, Building Standards, Housing, Fire, Mechanical, Dangerous Building and Plumbing Codes, as promulgated and updated from time to time by the International Conference of Building Officials, the Western Fire Chiefs Association and the International Association of Plumbing and Mechanical Officials, and as approved and adopted by the State of California.

Chapter 2.36 General Use Regulations

Sections:

- 2.36.010 Supply to Separate Premises

- 2.36.020 Supply to Multiple Users
- 2.36.030 Charges to Multiple Users
- 2.36.040 Water Waste
- 2.36.050 Water Shortage
- 2.36.060 Owner of Facilities
- 2.36.070 Responsibility for Equipment on Premises
- 2.36.080 Damage to Water System Facilities
- 2.36.090 Control Valve on the Customer's Property
- 2.36.100 Control of Backflow and Cross-connections
- 2.36.110 Interruptions in Service
- 2.36.120 Ingress and Egress
- 2.36.130 Acceptance of Service as Provided
- 2.36.140 Maintenance of Private Lines
- 2.36.150 Water Pressure and Supply
- 2.36.160 Resale of Water
- 2.36.170 Health and safety--Discontinuance of Service
- 2.36.180 Investigation--Right of Entry
- 2.36.190 Unlawful Acts

2.36.010 Supply to separate premises. No more than one dwelling or premises shall be served from each service connection, and there shall be only one service connection per dwelling or premises, except as provided for in the immediately following section. Each separate dwelling or building on a separate premise shall have a separate connection and service, except as provided for herein below.

2.36.020 Supply to multiple users.

A. Separate houses, buildings, living or business quarters, such as motels, mobile home parks, apartments, commercial and shopping centers, condominiums and the like, under a single control or management and on a single premise may be served at the option of the District, by any of the following methods:

1. Through separate service connections to each unit, provided that the pipeline system from each service is independent of the others and that they are not interconnected
2. Through a single service connection to the entire premises;
3. In the event that any separate house, dwelling, building, living or business quarters is severed from the balance of the property or premises, the property or premises and the property or premises so severed shall be required to provide separate service connections, pursuant to the requirements of Chapter 2.16.

B. The Water Department may require individual service connections for each separate house, building, dwelling, living quarters or business quarters when the District determines that such a requirement is in the best interest of the District.

2.36.030 Charges to multiple users. Charges for water service to multiple users may be fixed from time to time by the Board by resolution or ordinance.

2.36.040 Water waste. It is unlawful for any person to willfully or negligently use water supplied by the District, without reasonable control or supervision thereof, in such manner as to waste the

same by flowing from the premises of the user onto other premises or onto the public streets or thoroughfares in excessive or unusual amounts; or to sprinkle or irrigate any yard, lawn or premises with water supplied by the District between the hours of twelve noon and five p.m., unless the water device being used is controlled by an automatic shutoff device or an individual is in immediate attendance and view; or to water any lawns with water supplied by the District except by the use of a hose held in the hand or a sprinkling device.

2.36.050 Water shortage. During times of threatened or actual water shortage, the District will apportion its available water supply among its customers in accordance with policies as may be determined from time to time by the Board of Directors. In the absence of direction by the Board, the Manager, in consultation with the Coordinator, will apportion the supply in the manner that appears most equitable under circumstances then prevailing, and with due regard to public health and safety.

2.36.060 Owner of facilities. All facilities installed between the main and curb stop, including the service connection and flow meter and curb stop, shall be and shall remain the property of the District and may be maintained, repaired or replaced by the Water Department without the notification, consent or interference of the owner or occupant of the dwelling, premises or property.

2.36.070 Responsibility for equipment on premises. All facilities installed by the District on private property or premises for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired or replaced by the Water Department without the notification, consent or interference of the owner or occupant of the property or premises. The property owner, lessee, assignee or permit tee shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining facilities on private property.

2.36.080 Damage to water system facilities. The customer shall be liable for any damage and the resultant water loss to the District's water service facilities when such damage results from causes originating at the customer's dwelling or on the customer's premises. The cost for repairing any such damage and water loss shall be paid by the customer, and the cost shall be due and payable to the District upon the rendering of a bill therefore.

2.36.090 Control valve on the customer's property. The customer shall provide a valve on his/her side of the meter/service installation to control the flow of water to the piping on his/her property/premises. The customer shall not use the service curb stop to turn water on and off for his/her convenience.

2.36.100 Control of backflow and cross-connections.

- A. General. In accordance with the requirements and the regulations of the District, the County of Tulare, the State of California and the United States Environmental Protection Agency ("EPA") no water service connection to any dwelling or premises shall be installed or maintained by the District unless the public water supply is protected as required by said local, state and federal regulations and the requirements stated below.
- B. Where Protection is required. Backflow prevention devices shall be installed on the service connection to any dwelling or premises having:

1. Access to any auxiliary water supply;
 2. Any substance handled under pressure in such fashion as to permit entry into the water system;
 3. Any material dangerous to health or toxic substance that might possibly be introduced into the water system;
 4. Any lawn or garden sprinkling system, not installed in accordance with the Uniform Plumbing Code;
 5. Any swimming pool or spa system.
- C. Type of protection. In general, types of backflow prevention devices shall be required as follows:
1. A service connection to a dwelling or premises having an auxiliary water supply, internal pressure boosting system, or internal systems containing water of deteriorated quality shall be protected by an approved double check valve assembly.
 2. A service connection to a dwelling or premises handling dangerous or toxic materials such as industrial plants, wharves, hospitals, mortuaries, etc., shall be protected by an approved reduced pressure principle backflow prevention device properly located and installed.
 3. A service connection to any sewage treatment plant or sewage pumping station shall be protected by an air-gap separation properly located and installed.
- D. Responsibility for Installation, Inspection and Maintenance. Backflow prevention devices required herein shall be approved by the District and shall be installed, inspected and maintained at the expense of the customer.
- E. Discontinuance of service. The District may discontinue service of water to any dwelling or premises and may physically disconnect the customer's piping from the District's water distribution system if a backflow prevention device required by this section is not installed, tested and maintained, or if any defect is found in an installed backflow prevention device, or if it is found that a backflow prevention device has been removed or bypassed or if unprotected cross-connections exist on the premises; and service will not be restored until such conditions or defects are corrected.
- F. Right of Ingress and Egress to and from the Customer's Premises. Water Department personnel and representatives of the EPA shall have the right of ingress and egress to and from the customer's dwelling or premises at all reasonable hours for any purpose reasonably related to the furnishing of water service and the exercise of any and all rights secured to it by law or these regulations, including inspection of the customer's piping and equipment as to compliance.
- G. Prevention of Flow From One Service Connection Through Another. If premises are supplied by more than one water connection to the District's facilities, the customer shall be required to install an approved backflow prevention device at each service connection to prevent the backflow of water from one service through another.
- H. Exception. Any installation of equipment, such as sprinkler systems, pools, spas, etc., installed in accordance with the Uniform Plumbing Code and providing backflow devices shall be exempt from this section.

2.36.110 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 Water Department.

Temporary shut-downs may be made by the Water Department to make improvements and repairs. The District reserves the right to shut off the water to any dwelling or premises or to any part of the system as long as necessary and without notice to customers at any time when the exigencies of the occasion may require it. Whenever possible and as time permits, the Water Department will notify customers and other departments of the necessity of shutting off water and the probable length of time the water shall be shut off before taking such action. Any affected fire department will be notified promptly upon restoration of service.

2.36.120 Ingress and egress. Representatives of the Water Department shall have the right of ingress and egress to the customer's dwelling or premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

2.36.130 Acceptance of Water as Provided. As a condition of new or continuing service by the District, applicants and customers shall accept whatever water volume at whatever pressure may be available. If an applicant or customer desires to limit the pressure furnished to the premises served, a proper pressure reducing device shall be installed at the sole expense of the applicant or customer. If an applicant or customer depends on a continuous supply or higher pressure for water emergency, then storage and pumping facilities with an approved air gap shall be provided at the sole expense of the applicant or customer.

2.36.140 Maintenance of private lines. The service connections extending from the curb stop to the premises to be served shall be installed and maintained by the owner of the property.

2.36.150 Water pressure and Supply. The District shall assume no responsibility for loss or damage due to lack of water or pressure, either high or low, and agrees only to furnish such quantities and pressures as are available in its general distribution system.

2.36.160 Resale of water. Except by agreement with the District, no customer shall resell any of the water received by him/her from the District, nor shall such water be delivered to premises other than those specified in the application for service.

2.36.170 Health and safety--Discontinuance of service. If a condition on the customer's premises is found to be hazardous to the health and safety of the public arising from the use of water, the use and maintenance of any apparatus, appliances or equipment or otherwise, the Water Department may discontinue service to such premises without notice. The Water Department in such event shall make a reasonable effort to notify the customer of the discontinuance of service, and corrective action shall be taken by the customer before service will be restored.

2.36.180 Investigation--Right of entry. Any duly authorized agent of the Water Department shall have the authority to enter any building or premises for the purpose of investigating the premises or property of any applicant or consumer of water in order to determine and designate the rate to be applied to the premises or property and to view the water lines and equipment connected therewith. Except in emergency situations, such agents of the Water Department shall not enter any building, property or premises without the consent of the owner or occupant thereof, unless an investigation warrant authorizing such entry and investigation is first obtained. No person shall hinder or prevent the agents of the Water Department while in the performance of the duties

described in this section from entering upon and into any and all buildings, premises or property at all reasonable hours for the purpose of inspecting the same in order to carry out the provisions of this Chapter. No person except a duly authorized agent of the Water Department shall turn the water on or off from any building, dwelling, or premises, and no person shall tap, cut, or move any water line unless permission to do so has been granted by the Water Department supplying the water.

2.36.190. Unlawful acts.

A. It is unlawful for any person to do any of the following:

1. Open any street hydrant or valve or tamper with or interfere with any street service, water connection, reservoir, pumping plant, or any water meter attached to any service line connected to the mains, water lines or hydrants of the District;
2. Turn on or off water mains or water lines of the District or occupy premises the water service to which has been turned on without authorization of the Manager after having been shut off for a violation of this Ordinance or other rules or regulations; or tap, break or damage any water main, water line, or other fittings of the District laid in any street, easement, right of way or other public place;
3. Tamper with, deposit, or cause to be deposited in any water main or line of the District any fluid or solid matter or substance of any kind or to do any act that might cause water to become polluted;
4. Make or add to any water connection, line, main or service not authorized by the Manager or Coordinator;
5. Take, pump or draw water from any water main, line, or hydrant of the District without first arranging with the Water Department for the same and paying the established rate therefore.

B. If an unlawful water connection, line, main, or service or water consumption is found to exist on any premises or property by the Manager, the Manager shall post in a conspicuous place on the premises or property a written notice specifying that the same are in violation of this section, giving the particulars thereof; and if the violation shall thereafter continue for forty-eight hours without correction, the Manager shall terminate water service to the premises or property, which water service shall not again be turned on until the violation has been cured in accordance with the specifications of the District and the charge for a renewal of service has been paid. In addition to and at the time of posting the notice, a copy thereof shall be mailed to the person occupying the premises addressed to the address of the premises or dwelling located thereon or in lieu thereof, delivered personally to the occupant; and provided further that a copy shall be mailed to the owner of the property if he/she is not the occupant thereof.

Chapter 2.40 FLAT RATE AND TIERED RATE SERVICE

Sections:

- 2.40.010 Eligibility for Flat Rate Service
- 2.40.020 Eligibility for Tiered Rate Service
- 2.40.030 Service Assessment Period

- 2.40.040 Payment of Service Assessments
- 2.40.050 Penalties for Non-Payment
- 2.40.060 Returned Check
- 2.40.070 Opening and Closing Assessments
- 2.40.080 Delinquency Date

2.40.010 Eligibility for flat rate service. All customers without water meters shall be charged a flat rate for the right to use the District's water system. This flat rate service charge shall be adjusted from time to time by resolution of the Board of Directors.

2.40.020 Eligibility for tiered rate service. All customers with meters connected to their water system shall be charged a tiered rate for service. The tiered rate system shall be based on usage. Water usage shall be determined by annual meter readings.

2.40.030 Service assessment period. The District shall submit assessments to County of Tulare on an annual basis in accordance with the rate schedule adopted by resolution of the Board of Directors.

2.40.040 Payment of Service Assessments. Service Assessments shall be due and collectable by the County of Tulare through the property tax bill.

2.40.050 Penalties for non-payment. In addition to the discontinuance of service as provided in Chapter 2.04 of this Ordinance, penalties for non-payment of charges for water service shall become due on the date provided in Section 2.40.080 below.

2.40.060 Returned check. If a customer or property owner uses a check to pay District deposits, usage fees, penalties, or make any other direct payments to the District, and that check is later returned by the District's bank for any reason, a returned check service charge shall be assessed by the District. The returned check shall be redeposited unless the check is marked "account closed". If said check is returned a second time, a returned check service charge shall again be assessed by the District. The returned check shall not be redeposited. If, after proper notification by the District, payment for the services, including the returned check service charge or charges, is not made in cash, certified check or money order at the District office within forty-eight (48 hours) services are subject to discontinuance.

2.40.070 Opening and closing assessments. Opening and closing assessments for less than the normal assessment period shall be prorated.

2.40.080 Delinquency Date. Water assessments are considered delinquent when property tax bills are unpaid. A notice shall be sent to the property owner advising that the service will be discontinued or a late payment charge assessed in the amount of one and one half percent of the delinquent amount if payment is not received within thirty (30) days of receipt of the notice.

Chapter 2.44 Other Charges

Sections:

2.44.010 Charges

2.44.020 Connection/Reconnection Fee

2.44.030 Standby (Readiness to Serve) Fee

2.44.040 Facility Development

2.44.010 Charges. The Board may from time to time by resolution establish fees to supplement service charges in order to meet its obligations to operate the system in a cost-effective manner, to assure adequate water for fire suppression, and to provide for growth in the service area as well as standby (readiness to serve) fees.

2.44.020 Connection/Reconnection fee. The Board may from time to time by resolution establish Connection/Reconnection Fees to assure that such service does not impact upon the availability of service charge revenue for current operations. These fees may be altered by resolution of the District board from time to time.

2.44.030 Standby fee. The Board may from time to time by resolution establish a Standby (Readiness to Serve Fee) for unimproved parcels within the District Service Area to assure adequate funding for fire hydrants and related system readiness to serve. These fees may be altered by resolution of the District board from time to time.

2.44.040 Facility Development fee. The Board may from time to time by resolution establish a Facility Development Fee which shall be placed in a dedicated reserve account for system improvements and future growth. These fees may be altered by resolution of the District board from time to time.

Chapter 2.48 Credit

Sections

2.48.010 Establishment and Maintenance of Credit

2.48.020 Application of Deposit to Water Bill

2.48.030 Interest on Deposit

2.48.040 Return of Deposit

2.48.050 Inability to Return Deposit--Transfer to General Fund

2.48.010 Establishment and maintenance of credit. The District may require a security deposit of each applicant for water service, either from persons receiving water service or from the owners of the premises or property to which, or in connection with which, water service is rendered. The District may require a guarantee by the owner of the premises or property that bills for service to the premises or property or the occupants thereof will be paid.

2.48.020 Application of deposit to water bill. The District may apply, without notice, the amount of any deposit prescribed herein toward the payment of any water bill or other indebtedness which may become past due and owing the District and to unpaid bills for water service when such service has been discontinued.

2.48.030 Interest on deposit. No interest shall be paid on any deposit made with the District pursuant to the provisions of the District's rules, regulations and ordinances.

2.48.040 Return of deposit. The deposit made by any applicant or property owner may be refunded as follows:

- A. Upon discontinuance of service, the District shall refund any balance of the customer's deposit in excess of any unpaid bills or other indebtedness to the District.
- B. The customer's deposit may be refunded to the person making the deposit after one year at the discretion of the District.

2.48.050 Inability to return deposit--Transfer to general fund. Should the customer entitled to the refund of a deposit be unavailable at the time the refund is to be made, and should the District be unable to locate said customer for a period of one year following discontinuance of the customer's water service, or by the thirtieth day of June which is at least nine months thereafter, whichever shall first occur, the amount of said deposit shall be transferred to the general fund of the District and may be used for any purpose by the District. Should the customer demand a refund at any time within three years after discontinuance of water service, and establish his/her right to such refund, the District shall make such refund either from the original deposit or, in the event the deposit has been transferred to the general fund in accordance with the provisions of this section, shall make such refund from the general fund of the District. Should the customer make no claim for refund within three years after discontinuance of water service, the customer shall have no right to such refund.

Chapter 2.52 Collection by Suit

Sections:

2.52.010 Penalty

2.52.020 Collection

2.52.010 Penalty. Rates and charges which are not paid as provided by this Ordinance and the rules and regulations adopted pursuant to this Ordinance shall be subject to the applicable penalties.

2.52.020 Collection. All unpaid rates, charges and penalties may be collected by litigation brought in the name of the District. The Coordinator shall have the authority to file suit on behalf of the District on all delinquent accounts in any court of competent jurisdiction.

Chapter 2.56 Complaints

Sections:

2.56.010 Report and Adjustment

2.56.020 Appeal to Board

2.56.010 Report and adjustment. Should any customer have complaints with regard to water service or water service charges, such customer shall contact the Coordinator, who shall have the authority, where appropriate, to make such adjustments as are necessary.

2.56.020 Appeal to board. Should a customer be unable to have his/her complaint resolved by the Coordinator, or should he/she object to the Coordinator's decision, he/she may appeal the decision to the Board of Directors. After receipt of all necessary information the Chairperson of the Board shall set the matter on the agenda for the next Board meeting following receipt of the information from the Coordinator for a decision by the Board. The Board shall hear from the customer and the Coordinator and shall render its decision within thirty (30) days from the date of the hearing. The decision shall be final.

Chapter 2.60 Disconnection of Services

Sections:

2.60.010 Water Department Address, Telephone Number and Hours

2.60.020 Mailed Notices

2.60.030 Notice to Elderly or Handicapped

2.60.040 Third Party Notification

2.60.050 Service Not to be Discontinued for Nonpayment

2.60.060 Procedure for Disputed Bills (deleted)

2.60.070 Notify Health Department

2.60.080 Notices

2.60.090 Additional Security Deposit

2.60.100 Conditions for Restoring Service

2.60.110 Disconnection Request by Customer

2.60.010 Water department address, telephone number and hours. All water bills shall contain in clear type the office address, hours and telephone number of the Water Department.

2.60.020 Mailed notices. When a water bill becomes delinquent, the Coordinator shall mail or cause to be mailed a notice to the delinquent customer and property owner, lessee, permit tee or assignee, if different from the customer, notifying the customer that water service will be disconnected if the bill is not paid within thirty days after the date of mailing. If the customer does not dispute the bill, and full payment is not received, the service shall be disconnected as provided in the notice.

2.60.030 Notice to elderly or handicapped. For elderly or handicapped residential customers, the Department shall provide at least 48 hours' prior notice by telephone or in person. For these customers, if a personal contact cannot be made, a notice of discontinuance of service shall be posted in a conspicuous location at the service address at least 48 hours prior to discontinuance.

2.60.040 Third party notification. Notice of availability of third-party notification in the event of delinquency by an elderly or handicapped customer shall be given annually to all residential customers, commencing at time of first full billing after the effective date of this Ordinance.

2.60.050 Service not to be discontinued for non-payment. Service to a residential customer will not be discontinued for non-payment when the customer has previously established to the satisfaction of the department that:

- A. The customer is elderly (age 62 or over) or handicapped, or by certification of a licensed physician or surgeon that to discontinue water will be life threatening to the customer; and
- B. The customer is temporarily unable to pay for such service in accordance with the provisions of the rate schedule; and
- C. The customer is willing to arrange installment payments satisfactory to the District over a period not to exceed twelve months, including arrangements for prompt payment of subsequent bills; provided that service may none-the less be discontinued to any customer who does not comply with an installment payment agreement or keep current his/her account for water services as charges accrue in each subsequent billing period.

2.60.060 Deleted.

2.60.070 Notify health department. Immediately before any service is disconnected, the Manager shall notify the County health officer of the service disconnection.

2.60.080 Notices. All notices shall clearly state the office address, office hours and the telephone number of the Water Department.

2.60.090 Additional security deposit. The Coordinator may require that a security deposit be posted, in addition to the regular deposit, with the District to guarantee payment of future water bills by the customer where the customer has previously defaulted in the payment of his/her water bill.

2.60.100 Conditions for restoring service. Water service shall not be restored to the disconnected property or premises until all delinquent water charges, late fees, interest charges, penalties for disconnection and required security deposits have been paid.

2.60.110 Disconnection request by customer. A request for disconnection of water service shall only be honored by the Manager or the Coordinator from the customer in whose name the service was established.

**Chapter 2.64
Public Fire Protection**

Sections:

2.64.010 Use of Fire Hydrants

2.64.020 Penalties

2.64.010 Use of fire hydrants.

- A. Fire hydrants are for use by the District or by organized fire protection agencies authorized to use said hydrants by written permission of the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Water Department prior to use, and shall operate the hydrant in accordance with instructions issued by the Water Department, and they shall pay all applicable fees.
- B. The cost of repairing damage to the water system caused by the improper use of any fire hydrant shall be paid by the person using the fire hydrant. If the person who damages the water system is a District customer, the costs will be considered fees for the purposes of collection, payable directly to the district.

2.64.020 Penalties. The District shall from time to time establish penalties for the unauthorized use of hydrants by resolution. Unauthorized use of hydrants shall be prosecuted according to law.

**Chapter 2.68
Private Fire Protection Service**

(Deleted)

**Chapter 2.72
Temporary Service**

Sections:

2.72.010 Deposit

2.72.020 Installation and Operation

2.72.030 Rates

2.72.040 Credit

2.72.050 Duration

2.72.010 Deposit. The applicant shall deposit, in advance, the cost, estimated by the Manager, of installing and removing the facilities required to furnish temporary service, exclusive of the cost of salvageable material. Upon discontinuance of said temporary service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit, as determined by the Manager.

2.72.020 Installation and operation. All facilities for temporary service to the customer connection shall be installed by the Water Department and shall be operated in accordance with its instructions.

2.72.030 Rates. The rates for temporary service shall be applicable and shall be established from time to time by resolution of the District.

2.72.040 Credit. The applicant shall pay the estimated cost of service in advance or shall be otherwise required to establish credit according to the standards set forth in Chapter 2.48.

2.72.050 Duration. The Manager may grant a temporary service pursuant to this Chapter for a period of time not to exceed ninety days.

Chapter 2.76 Rates and Charges

Sections:

- 2.76.010 Rate Schedule
- 2.76.020 Penalty on Delinquent Accounts (deleted)
- 2.76.030 Adding Delinquent Charges to Tax Roll (deleted)
- 2.76.040 Renewal of Service
- 2.76.050 Service Connections
- 2.76.060 Change in Location of Services
- 2.76.070 Replacement or Change of Deposit
- 2.76.080 After Hour's Service
- 2.76.090 Cost of Standard Specifications
- 2.76.100 Service Outside the District

2.76.010 Rate schedule. Rates for water service are to be established from time to time by resolution of the District. In establishing the rates, the District shall take into consideration:

- 1) the actual cost of providing water service;
- 2) the cost of maintaining the water system;
- 3) the life expectancy of the water system and
- 4) the cost of replacing the system.

Each fiscal year (July 1 to June 30) the Board shall adopt a budget for the Water Department. All funds of the Water Department shall be deposited in interest bearing accounts with a bank, a savings and loan that is federally insured, the Local Agency Investment Fund operated by the State of California or the Treasury of Tulare County.

2.76.020 Deleted

2.76.030 Deleted

2.76.040 Renewal of service. The amount to be paid for renewal of a customer's service which has been discontinued for a violation of this Ordinance or the District's rules and regulations is

an amount to be established from time to time by resolution of the District in addition to all other charges provided for or established pursuant to said rules, regulations and ordinances.

2.76.050 Service connections. Charges for new services are payable in advance and to be established from time to time by resolution of the District.

2.76.060 Change in location of services. Services moved for the convenience of the customer or to provide required access to meter or curb stop will be relocated at the customer's expense. Services moved to protect the District's property will be moved at its expense.

2.76.070 Replacement or change of deposit. The Coordinator may require, as a condition of service at any time, that the deposit prescribed herein be replaced if the deposit or any part thereof has been applied to the payment of any bill or indebtedness to the District, or may require that the deposit be increased if depleted, found to be insufficient, or good cause otherwise exists.

2.76.080 After hours service. There shall be a charge to be established from time to time by resolution of the District for customer-requested turn-on or turn-off of water service at any time other than during normal working hours, which are from eight a.m. to twelve noon and from one p.m. to five p.m. Monday through Friday, excepting holidays.

2.76.090 Cost of standard specifications. The District's standard specification for water facility installations shall be available at the District office for use and examination and copies shall be made available to interested persons at a cost to be established from time to time by resolution of the District.

2.76.100 Service outside District. Nothing contained in this Ordinance shall be construed to preclude any special agreement or arrangement between the District and any person or entity whereby water service may be furnished by the District outside its boundaries, subject to payment therefore and to such other terms and conditions as may be established from time to time by resolution of the District.