

SUNNYSLOPE COUNTY WATER DISTRICT CODE



Adopted February 17, 2015

By Ordinance No. 79

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Title 1

GENERAL PROVISIONS

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TITLE 1 — GENERAL PROVISIONS

Chapter 1.05

GENERAL PROVISIONS

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1.05.010 Definitions.

The following words and phrases, whenever used in this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

Additional Definitions. For the purpose of this title, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code.

“Air-gap separation” or **“AG”** means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, and in no case less than two inches.

“Annexation” means to incorporate an area into the boundary or territorial limits of the District.

“Annexation fee” means the fee imposed as a condition of annexing areas outside present District boundaries, to pay the District’s costs of annexing the property to the District. Such costs include, but are not limited to, professional fees (engineering, legal, accounting, financial consultants, etc.) and the District’s administrative costs.

“Applicant” means the person or agent of the property of record making application for water service or a permit for a sewer or plumbing installation. The applicant shall be the owner of premises to be served by the water and sewer connection for which a permit is requested, or the owner’s authorized agent.

“Approved backflow prevention device” means devices that have passed laboratory and field evaluation tests performed by a recognized testing organization, which has demonstrated its competency to the California Division of Drinking Water to perform such tests.

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“Approved water supply” means any water supply whose potability is regulated by a state or local health agency.

“Automatic shutoff nozzle” means a water release mechanism securely affixed to the end of a water hose. It requires the person using the hose to apply and maintain pressure at the outlet end of the hose to activate and maintain the flow of water, and shuts off immediately when such pressure is released.

“Auxiliary supply” means any water supply on or available to the premises other than the District approved water supply.

“Available to existing water users” Recycled water is deemed available to existing water users when the District or other agency has provided a service lateral from the recycled water system to the property line.

“Available to new water users” Recycled water is deemed available to new water users when the distance between the nearest recycled water line and the near edge of the parcel is less than one hundred feet.

“AWWA standard” means an official standard developed and approved by the American Water Works Association (AWWA).

“Backflow” means a flow condition caused by a differential in pressure that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source(s) other than an approved water supply source. Back siphonage and back pressure are the causes of backflow.

“Board” means the Board of Directors of the District.

“Building” means any structure used for human habitation or a place of business, recreation or other purpose, containing sanitary facilities.

“Building sewer” means that portion of any sewer beginning two feet outside the foundation wall of any building or industrial facility and running to the property line or to a private sewage disposal system.

“Capacity charge” means contribution toward existing or future capital improvements for facilities in existence at the time the charge is imposed or charges for new facilities to be constructed and operated in the future that are of benefit to the person or property being charged. Capacity charges shall apply to the expansion, extension, and increased utilization of any service connection where use of the service or demand on the District’s system increases.

“Change of ownership” means a transfer of a present interest in the property, and a transfer of the right to beneficial use thereof, regardless of whether such transfer is voluntary, involuntary, or by operation of law, court order, grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means.

“Change of use” means a change from one use to another use as uses are categorized in the District code for all service connections.

“City” means the City of Hollister, California.

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“**Commercial service**” means provision of water to premises where the customer is engaged in trade, including any person engaging in business or transient-residential businesses from a service connection. Schools, public or private, nonprofit institutions, and governmental entities shall be considered commercial service.

“**Condominium**” means an individual, separately owned unit within a condominium project.

“**Condominium project**” means any or all of the following:

1. Two or more proposed condominiums, as defined in Section 783 of the California Civil Code;
2. The entire parcel of real property divided, or to be divided, into condominiums, including all existing or proposed structures therein;
3. A community apartment project, as defined in Section 11004 of the Business and Professions Code, containing two or more rights of exclusive occupancy;
4. A planned development, as defined in Section 11003 of the Business and Professions Code, containing two or more rights of exclusive occupancy;
5. A stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, containing two or more rights of exclusive occupancy.

“**Connection fees**” means all fees and charges, but not including capacity charges, to reimburse the District for its actual costs of connecting a user of water or sewer services to the District’s water or sewer system.

“**Contamination**” means a degradation of the quality of the potable water by any foreign substance that creates a hazard to the public health, or which may impair the usefulness or quality of the water.

“**Contractor**” means an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

“**County**” means the County of San Benito, California.

“**Cross-connection**” means any 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 potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

“**Customer**” means an individual or business receiving water and/or wastewater service from the District.

“**Date of presentation**” means the date upon which a bill or notice is mailed or delivered personally to the customer.

“**Depositor**” means a person, firm, corporation or agency paying cash to the District to guarantee payment for water and/or services to be received from the District.

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“**Developer**” means a person having the right under the applicable laws and regulations governing land use within the area served by the District to make application for governmental approvals to change the use of or the improvements on real property served by the District.

“**District**” means the Sunnyslope County Water District, District staff, or the area within the territorial limits of the Sunnyslope County Water District and such territory outside the District boundaries over which the District has jurisdiction or control by virtue of any constitutional or statutory provision.

“**District engineer**” means the engineer employed by the District who shall be a registered civil engineer in the state.

“**District facilities**” means the property, equipment, water/wastewater piping, wells, water/wastewater treatment plants, and any other equipment owned and operated by the District.

“**District inspector**” means the plan check engineer or designee acting under the direction of the District engineer or general manager.

“**Double check valve assembly**” or “**DC**” means an assembly of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.

“**Dwelling unit**” means one room, or a suite of two or more rooms, designed for, intended for or used by one household, which household lives, sleeps and cooks therein, and which unit has only one kitchen or kitchenette and at least one bathroom. Dwelling units may be single-family homes or portions of multifamily homes (such as duplexes, triplexes, or apartments).

“**Equivalent dwelling unit (EDU)**” means a measurement of demand on District facilities equivalent to a typical single-family dwelling. For water, one EDU equals the amount of water used by one single-family residential dwelling unit. For sewer, one EDU equals the daily flow, discharged by a typical, single-family residential dwelling unit. The general manager may develop and maintain a schedule of equivalent uses, to establish the number of EDU's for different users of water and sewer service for purposes of this title. Any such schedule and change thereto shall be approved by the Board.

“**Existing water user**” means an owner, or his or her agent, of a parcel of land that is being, or has been, provided potable water service by the District.

“**Expansion**” means the extension or improvement to District facilities to allow additional connections to the water and wastewater system by a new user of water or sewer services of the District's water or sewer system.

“**Extension**” means the construction of additional water/wastewater pipelines and other facilities to allow additional water or wastewater connections to the District's water or sewer system.

“**Facility**” means any building, equipment, or other space used for living, working in, or providing for a specific purpose.

“**Fire service**” means provision of water to fire protection equipment including but not limited to fire sprinklers and private fire hydrants.

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“**Fixture**” means any facility that contains a collection device for wastewater connected directly or indirectly to a sanitary sewerage system, including but not limited to, a toilet, urinal, shower, tub, sink, basin, lavatory, floor drain, automatic washing machine, and other similar devices.

“**Fixture unit**” is the measure of the load producing effects of the plumbing system. Fixture units shall be as listed in the Uniform Plumbing Code.

“**Following**” and “**preceding**” mean next after and next before, respectively.

“**Food service establishment**” means an establishment that prepares or sells food for consumption either on or off the premises, including, but not limited to, restaurants, sandwich shops, delicatessens, bakeries or pizzerias. The term does not refer to food stores or establishments that do not prepare food on premises or process food in a manner so as to contribute grease to the sewer system.

“**Garbage**” means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products.

“**General Manager**” means the person designated by the Board to act as general manager of the District.

“**Grease interceptor**” means a device designed and installed to separate and retain deleterious, hazardous or undesirable matter from normal wastes and to permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity.

“**Grease trap**” means a device designed to retain grease from one to a maximum of four fixtures.

“**Health agency**” means the California Department of Health Services or the local health agency with respect to a small water system.

“**HUAWMP**” means the Hollister Urban Area Water Management Plan and is a cooperative plan developed by Sunnyslope County Water District, the City of Hollister, and San Benito County Water District to manage and plan for the water resources needs of the urban area within and around the perimeter of the City of Hollister.

“**Hot water recirculating system**” means a system of pipes with a motor-driven pump or convection system that recirculates water between the hot water heater and hot water faucets, so that substantially all the cold water standing in the pipes will be returned to the water heater and reheated before the faucet is turned on. The pump may be turned on and off by a manually-operated switch, by a timer-operated switch, or otherwise, or may be left permanently on. The entire pipe in the recirculating loop shall be insulated with material in accordance with Title 24 of the California Code of Regulations.

“**House sewer**” means any sewer or drain beginning at the plumbing or drainage outlets of any building and running to the property line.

“**Increased utilization**” means adding additional water demands or adding additional sewer flows to existing water or wastewater facilities.

“**Industrial service**” means provision of water to premises engaged in manufacture, assembly, processing or development of products.

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“**Industrial wastes**” means the liquid wastes from industrial processes as distinct from sewage.

“**Institutional/Government service**” means provision of water to schools, government facilities, or other quasi-governmental facilities.

“**In-tract facilities**” means all system components and appurtenances, including, without limitation, easements, wells, tanks, pumping stations, water treatment and filter plants, storage facilities, mains and other pipelines, pressure enhancement and reduction facilities, connectors, valves, fittings, fire hydrants and service stubs, exclusive of individual service connections and meters, located within the boundaries of a tract and necessary to provide service to the tract in accordance with applicable laws and regulations.

“**Landscape service**” means provision of water to irrigation of landscaping, plants, trees, or other outdoor vegetation.

“**Lateral sewer**” means the portion of a sewer lying within a public street connecting a building sewer to the main sewer.

“**Law**” denotes applicable Federal law, the Constitution and statutes of the State, the ordinances of the District, and, when appropriate, any and all rules and regulations promulgated thereunder.

“**Local health agency**” means the County health authority.

“**Main sewer**” means a public sewer designed to accommodate more than one lateral sewer.

“**Mains**” means distribution pipelines located in streets, highways, public ways or private rights-of-way that are used to serve the general public.

“**Master meter**” means a device for measuring water consumption by a commercial or industrial customer of the District, usually serving a series of individual consumers such as a mobile home park or apartment complex.

“**May**” is permissive.

“**Month**” means thirty days or each of the twelve named periods into which a year is divided.

“**Multi-family service**” means provision of water to more than one single-family unit with a single water meter such as apartments, condominiums, mobile home parks, or other cluster of single family units.

“**Must**” and “**shall**” are each mandatory.

“**New addition**” means additional space attached to an already existing structure.

“**New construction**” means any construction of a previously non-existent structure requiring a discretionary or ministerial permit. “New construction” shall also include additions, modifications or structural improvements that add square footage to floor space of existing structures.

“**New water user**” means an applicant who requests one or more service connections be provided to one or more parcels of land that have never been served potable water from the District.

“**Non-residential**” means all classes of service other than for residential including but not limited to commercial, industrial, and landscape irrigation.

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“**Non-Residential Structure**” means any structure, in whole or in part, whether fully constructed or not, that is not, or is not intended to be, a residence or a place of dwelling.

“**Observation well**” means any artificial excavation to monitor fluctuations in groundwater levels, quality of underground waters, and concentration of contaminants in underground waters.

“**Occupant**” applied to a building or land, means and includes any person who occupies the whole or a part of such building or land, whether alone or with others.

“**Out-of-tract facilities**” means all system components and appurtenances necessary to connect in-tract facilities with the District’s main system to provide service to a tract.

“**Outside sewer**” means a sanitary sewer beyond the limits of the District.

“**Overdraft**” means the condition of a groundwater basin where the amount of water withdrawn by pumping exceeds the amount of water replenishing the basin over an extended period of time, or where the amount of water withdrawn by pumping results in an unacceptable degradation of groundwater quality within the basin.

“**Owner,**” applied to a building or land, means any part owner, joint owner, tenant in common, joint tenant, tenant, of the whole or a part of such building or land.

“**Parcel**” means any unit of land that qualifies as a parcel or lot under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other parcel (or are separated only by a road or easement), and (2) for which there is unity of ownership, and (3) which have an identical present use. The term “parcel” shall be given the same meaning as the term “site”.

“**Permit**” means any written authorization required pursuant to any regulation of the District for the installation of any water or sewer works.

“**Person**” means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“**Personal property**” means and includes money, goods, possessions, and evidences of debt.

“**Plumbing system**” means all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection two feet outside the building wall.

“**Potable water**” means water that meets all state and federal requirements for human consumption without threat to health or safety.

“**Preceding**” and “**following**” mean next before and next after, respectively.

“**Premises**” means any and all areas on a customer’s property, which are served or have the potential to be served by the public water system.

“**Private fire service**” means provision of water to fire hydrants or fire suppression systems located on private property.

“**Private sewer**” means a sewer serving an independent sewage disposal system not connected with a public sewer that accommodates one or more buildings or industrial uses.

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“**Property**” means real and personal property.

“**Public entities**” means any municipal corporation or other governmental entity existing under state or federal laws, served by the District.

“**Public fire protection**” means facilities provided for the City, County, or State fire agencies.

“**Public sewer**” means a sewer lying within a street, alley, easement or public right-of-way which is controlled by or under the jurisdiction of the District.

“**Public water system**” means a system for the provision of piped water to the public for human consumption that has fifteen or more service connections or regularly serves twenty-five individuals.

“**Quasi-public entities**” include educational institutions, churches, recreational facilities open to the public, and other similar commercial service entities designated as “quasi-public” by the general manager.

“**Rate and fee schedules**” means the effective rates, fees, rentals, charges, and regulations, as set forth by the District.

“**Real property**” means and includes parcels of land and tenements.

“**Reclaimed water**” means a wastewater, which, as a result of treatment, is suitable for uses other than potable use. “Reclaimed water” or “water recycling” has the same meaning as recycled water as defined in section 13050 (n) of the California Water Code.

“**Recycled water**” means a wastewater, which, as a result of treatment, is suitable for uses other than potable use. “Recycled water” or “water recycling” has the same meaning as recycled water as defined in section 13050 (n) of the California Water Code.

“**Reduced-pressure principle backflow prevention device**” or “**RP**” means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

“**Residential service**” means provision of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes.

“**Sanitary sewer**” means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

“**Sanitation pipes**” means pipes or plumbing that are part of a sanitary sewer.

“**Secretary**” means the secretary of the Board.

“**Self-Regenerating Water Softening Appliances (SRWS)**” means a water softening device that removes calcium and magnesium salts from water by using an ion-exchange resin utilizing sodium chloride during the ion-exchange process. The ion-exchange resin used in SRWSs is recharged by using a sodium chloride brine solution which is subsequently discharged into the District’s or the City’s sewer system. SRWSs may be automatically recharged by timer or sensor.

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“**Sewage**” means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

“**Sewage works**” means all facilities for collecting, pumping, treating and disposing of sewage.

“**Sewer**” means a pipe or conduit for carrying sewage.

“**Sewer service connection**” means to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof from a specified place of service to a parcel of land.

“**Shallow well**” means a well no deeper than one hundred feet below ground surface that may be constructed for non-potable purposes.

“**Shutoff nozzle**” means a water release mechanism (nozzle) securely affixed to the end of a water hose that enables the user to control the flow of water in the hose, including stopping the flow of water completely and securely, by a lever or mechanical device in the nozzle.

“**Side sewer**” means the sewer line beginning two feet outside the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

“**Single-family**” means one or more individuals occupying a dwelling unit and living together as a single household unit with common access to, and common of, all facilities comprising the dwelling unit.

“**Single-family units**” means the place of residence for a single family. Property improved for multi-family purposes shall constitute the number of units that the facilities thereon provide in number of facilities for single-family units. When improvements are for other than residential purposes, the number of units shall be determined by dividing the total number of persons regularly using or occupying the premises by three. When the property is unimproved, a single lot shall be such unit. When property is un-subdivided, it shall be deemed to have five lots to the acre, unless the District, in its discretion, specially fixes some other number of lots therefor.

“**State**” means the state of California.

“**Storm sewer**” or “**storm drain**” means a sewer that carries storm and surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.

“**Street**” means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, public easements or right-of-ways, or other public ways in this District, which have been or may hereafter be dedicated and open to public use, or such other public property so designated under State law.

“**Submeter**” means a meter or series of meters installed downstream from a master meter to determine water consumption in individual buildings and/or units. Such submeters may be under the ownership of the District and subject to District operation and maintenance.

“**Temporary water service**” means provision of water either for human consumption for a period of time not exceeding six months or for water from potable, recycled or non-potable sources for construction work or similar uses that, because of the work, will not be used steadily or permanently.

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“**Time-share development**” means a time-share plan as defined in Section 11212 (z) of the Business and Professions Code.

“**Time-share interest**” means a time-share estate and/or a time-share use as defined in Section 11212 (x) of the Business and Professions Code.

“**Tract**” means any parcel of land authorized for development by County or the City of Hollister within which the District provides service.

“**Transient-residential**” means every person engaged in the business of operating a hotel, motel, bed and breakfast, time-share, recreational vehicle park or any other similar rented temporary living facilities.

“**Water service connection**” means the water or recycled water pipe, valves, and other facilities by means of which the District conducts water or recycled water from its distribution mains to the meter and meter box located at a specified place of delivery of water to a parcel of land.

“**Water recycling**” means a wastewater, which, as a result of treatment, is suitable for uses other than potable use. “Recycled water” or “reclaimed water” has the same meaning as water recycling as defined in section 13050 (n) of the California Water Code.

“**Water supplier**” means the person or entity who owns or operates the public water system.

“**Water supply assessment**” means the assessment required by Section 10910 of the California Water Code.

“**Water supply verification**” means the verification required by Section 66473.7 of the California Government Code.

“**Water user**” means any person obtaining water from a public water system.

“**Water waste**” means the indiscriminate, unreasonable or excessive use of potable water.

“**Xeriscape**” means the use of drought-tolerant, low-water-use plants in landscaping. Drought-tolerant plants are those which can survive on little or no water other than available rainfall.

1.05.020 **Invalidity.**

In the event that any title, chapter, portion or provision of this Code shall be determined by a court of law or other tribunal to be invalid or unconstitutional, such a finding of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of the this Code, which shall remain in full force and effect.

1.05.030 **Interpretation of language.**

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

TITLE 1 — GENERAL PROVISIONS

1.05.040 Grammatical interpretation.

The following grammatical rules shall apply in this code unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.05.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.05.060 Prohibited acts include causing and permitting.

Whenever in this code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.05.070 Design and construction standards.

- A. Minimum standards for the design and construction of water, recycled water and sewer infrastructure within the District shall be in accordance with the current design requirements and standard plan and specifications adopted by the District, copies of which are on file in the District office. The District engineer may permit modifications or may require higher standards where unusual conditions are encountered.
- B. "As-built" drawings showing the actual location of all mains, structures, valves, fire hydrants, Y's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

1.05.080 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Sunday or a holiday, in which case it shall also be excluded.

TITLE 1 — GENERAL PROVISIONS

1.05.090 Notices.

A. Notices to customers.

1. Notices from the District to a customer will normally be given in writing, and either hand delivered or mailed to the customer's last known address.
2. Where conditions warrant and in emergencies, the District may resort to notification by telephone, email, hand delivery, or messenger.

B. Notices from customers. Notice from the customer to the District may be given by the customer or his/her authorized representative orally or in writing: (1) at the District's operating offices, (2) to an employee of the District or (3) to an agent duly authorized to receive notices or complaints.

1.05.100 Construction of provisions.

The provisions of this code and all proceedings under them are to be construed with a view to affect their objects and to promote justice.

1.05.110 Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinances.

1.05.120 Rules and procedures.

The Board may adopt rules and procedures by resolution to assist in implementing this chapter, but this chapter is self-executing and does not depend on rules and procedures to be effective.

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Chapter 1.10

OFFICIAL SEAL

Sections:

1.10.010

Adopted.

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1.10.010 **Adopted.**

An official seal is adopted for the District, to consist of an impression made with a seal press, the inscription of which shall be the following:

SUNNYSLOPE COUNTY WATER DISTRICT,
SAN BENITO COUNTY, CALIFORNIA,
INCORPORATED THE 17TH DAY OF DECEMBER, 1954.

(SEAL)

TITLE 1 — GENERAL PROVISIONS

Chapter 1.15

GENERAL PENALTY

Sections:

1.15.010 Designated.

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1.15.010 Designated.

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the District's ordinances or code shall be guilty of a misdemeanor unless the violation is made an infraction by ordinance.
- B. Except in cases where a different punishment is prescribed by any ordinance of the District, any person convicted of a misdemeanor for violation of a District ordinance is punishable by a fine of not more than six hundred dollars (\$600), or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Fine amounts may be adjusted by the Board by resolution from time to time.
- C. Any person convicted of an infraction for violation of a District ordinance is punishable by:
 - 1. A fine not exceeding two hundred fifty dollars (\$250) for a first violation;
 - 2. A fine not exceeding five hundred dollars (\$500) for a second violation of the same ordinance within one year; and
 - 3. A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.Fine amounts may be adjusted by the Board by resolution from time to time.
- D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the District is committed, continued or permitted by any such person, and shall be punishable accordingly.
- E. No remedy provided in this chapter shall prohibit the District from pursuing any other remedy at law or in equity for violations of the ordinances of the District.

TITLE 1 — GENERAL PROVISIONS

Chapter 1.20

OWNER RESPONSIBILITY

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1.20.010 Owner responsibility.

Sewer service and water service shall be furnished on the account of the owner, except as otherwise provided in Section 3.40.260 for residential water service.

TITLE 1 — GENERAL PROVISIONS

Chapter 1.25

APPEALS

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1.25.010 Appeal to Board of Directors.

In a case where the general manager has made a determination pursuant to law or this code that affects an aggrieved party, the aggrieved party may appeal the general manager's final determination to the Board. The determination of the general manager shall include the following statement: "You have the right to appeal the determination of the general manager pursuant to Chapter 1.25 of the District Code."

1.25.020 Time to appeal.

An aggrieved party shall appeal a final determination of the general manager within thirty (30) days following the date of such determination by filing the appeal with the Board of Directors. Such appeal shall specify in writing the grounds upon which it is taken, shall reference the provision of the law or the code that has been violated, the date of the determination, the substance of the determination, the grounds for granting relief, and the relief requested.

1.25.030 Hearing of appeal.

- A. Within thirty (30) days of receipt of such appeal, the general manager shall set a hearing on the appeal before the Board of Directors and notify the aggrieved party in writing of the time and place of the hearing at least ten (10) days prior to the hearing and give public notice of the hearing date.
- B. At the hearing, the aggrieved party may present evidence concerning the appeal. Evidence shall include such relevant documents and information that is sufficient to permit the full determination of the appeal. In the event that the aggrieved party shall fail to submit relevant documents and information as required by this subsection, the determination shall be made on the information available, but the Board shall have no obligation to seek out the information upon which the aggrieved party relies. Any materials submitted to the Board by the general manager shall be made available to the aggrieved party a reasonable time before the hearing. Continuances of the hearing of the appeal shall be made at the discretion of the Board.
- C. The Board may deny, approve, conditionally approve, or continue any appeal. The general manager shall notify the aggrieved party within ten (10) days in writing by mail of the Board

TITLE 1 — GENERAL PROVISIONS

action taken. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, to the address shown on the appeal.

D. All rulings of the Board shall be final.

1.25.040 Immunity

The provisions of the Code of Civil Procedure, Section 1094.6 shall hereinafter be adopted and made applicable to the judicial review of any decision of the District, or any officer, employee or agent thereof. This provision of the Code of Civil Procedure provides a 90-day limitation for judicial review of final administrative decisions. Any such decision rendered in final form shall include written notice of this 90-day limitation for judicial review.

Title 2

ADMINISTRATION AND PERSONNEL

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Adopted February 17, 2015 by Ordinance No. 79

TITLE 2 — ADMINISTRATION AND PERSONNEL

Chapter 2.05

BOARD OF DIRECTORS

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2.05.010 Regular meetings.

- A. Regular meetings of the Board shall be held on the third Tuesday of each calendar month at 5:15 p.m. in the Board Room of Sunnyslope County Water District, 3570 Airline Highway, Hollister, CA., and may be modified by District Policy from time to time.
- B. If any day fixed for a regular meeting of the Board falls upon a holiday, then the meeting appointed for such day shall be held on the next day that is not a holiday, at the same hour specified for the meeting to be held.

2.05.020 Special meetings.

- A. Special meetings of the Board may be called by the Board President or by a majority of the Board.
- B. All Directors shall be notified of the Special Board Meeting and the purpose for which it is called.

2.05.030 Notice of meetings.

- A. The public shall be notified by posting the agenda at least 72 hours before a regular meeting on the District office public bulletin board, and on the District's web site.
- B. Notice for special meetings shall be posted at least 24 hours prior to the meeting.
- C. Any person who requests in writing copies of agendas or agenda packets will receive notice at the time an agenda is posted.

2.05.040 Closed sessions.

Closed sessions of the Board may be held to discuss personnel matters, litigation, employee negotiations or other matters as authorized by the Ralph M. Brown Act, Evidence Code Sections 950-962, or other appropriate state law.

TITLE 2 — ADMINISTRATION AND PERSONNEL

2.05.050 Order of business.

The order of business at Closed Session and the Regular Session meetings of the Board shall be as follows:

- A. Call to order;
- B. Roll call;
- C. Public comment on Closed Session matters;
- D. Closed Session;
- E. Regular Session
- F. Pledge of allegiance;
- G. Report in open session action taken in Closed Session;
- H. Approval of agenda;
- I. Public comments and audience introductions;
- J. Consent agenda;
- K. New business;
- L. Status reports;
- M. Board and staff reports;
- N. Future agenda items;
- O. Adjournment.

If no Closed Session is scheduled then Items C., D., and G. shall be eliminated and the remaining items of business re-ordered.

2.05.060 Rules of proceedings.

- A. Public meetings. All legislative sessions of the Board, whether regular or special, shall be open to the public.
- B. Quorum. A majority of the members of the Board shall constitute a quorum for the transaction of business.
- C. Adjournment. When a meeting may not be opened, or further action may not be had at a regularly opened meeting, for want of a quorum, the meeting may be adjourned to a day and hour certain by the secretary or any member of the Board, and notice of such adjournment shall be given for the time and in the manner provided for calling special meetings, excepting that the purpose of the adjourned meeting need not be stated.
- D. Method of action. The Board shall act only by ordinance, resolution, or motion, which, to become effective, shall be adopted by the affirmative votes of at least a majority of the Board Members in a public meeting.

TITLE 2 — ADMINISTRATION AND PERSONNEL

- E. Record of vote. Except where action shall be taken by the unanimous vote of all members present and voting, the ayes and noes shall be taken on all actions and entered upon the minutes of the Board.
- F. Ordinances. The enacting clauses of all ordinances passed by the Board shall be in these words:

Be it ordained by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, as follows:

All ordinances of the Board shall be signed by the president of the Board and attested by the secretary/general manager.
- G. Contracts. All contracts on behalf of the District shall be signed by the president and counter-signed by the secretary/general manager, after having been authorized so to do by action of the Board.
- H. Robert's Rules of Order. In all other regards such meetings shall be conducted in conformity with Robert's Rules of Order and as set by District Policy.

2.05.070 Office mailing address.

The office of the District and the official mailing address is established as:

3570 Airline Highway
Hollister, California 95023-9702.

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Chapter 2.10

WATER & WASTEWATER DEPARTMENT

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2.10.010 Creation.

A water and wastewater department is created comprising the directors of the Board, the general manager/secretary, a water/wastewater superintendent, district engineer, and a finance/human resources manager and any other support staff deemed necessary by the Board.

2.10.020 General manager/secretary.

The General Manager, as provided in the California Water Code, shall have full charge and control of the maintenance, operation and construction of the water works and system of the District.

General Manager shall:

- (1) have full power and authority to employ and discharge all employees and assistants at pleasure;
- (2) prescribe the duties of employees and assistants;
- (3) fix and alter the compensation of employees and assistants, subject to approval by the Board;
- (4) have charge of all employees and assistants;
- (5) serve as secretary of the Board;
- (6) perform such other duties as are imposed from time to time by the Board; and
- (7) report to the Board in accordance with the rules and regulations adopted by the Board.

2.10.030 Finance and human resource manager.

The Finance and Human Resource Manager shall perform a variety of administrative and clerical activities to support all District accounting, financial, and human resources divisions; oversee all aspects of utility billing, accounts payable, bookkeeping, auditing procedures, budget development and control, recruitment, selection, classification, training, employee relations, payroll and benefit programs; and prepare, process and maintain confidential employee records and data.

TITLE 2 — ADMINISTRATION AND PERSONNEL

2.10.040 Water/wastewater superintendent.

The Water/Wastewater Superintendent shall maintain necessary licenses to operate and maintain the District's water and wastewater facilities.

Water/Wastewater Superintendent shall:

- (1) regularly inspect all physical facilities related to the District water and wastewater systems, to see that they are in good repair and proper working order, and to note violations of any water/wastewater regulations.
- (2) promptly report any violation or disrepair to the 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.
- (3) supervise all repair or construction work authorized by the Board or the general manager, and perform any other duties prescribed elsewhere in this chapter or in Title 3 or which shall be prescribed by the Board or the general manager.

2.10.050 District engineer.

The District Engineer shall have varied assignments including: planning, organizing, directing, and reviewing the activities and operations of the District. This includes water and wastewater long- and short-range project planning, environmental planning, designing, constructing, permitting, obtaining rights of way, implementing control systems, and overseeing geotechnical work and water conservation programs and other duties as prescribed by the Board or the General Manager. The duties of the District Engineer may be assumed by the General Manager, provided the General Manager has the appropriate professional engineering license and qualifications.

2.10.060 Performance of duties.

The duties of Water/Wastewater Superintendent, District Engineer, and Finance and Human Resource Manager may be performed by the General Manager or by additional employees.

TITLE 2 — ADMINISTRATION AND PERSONNEL

Chapter 2.15

ANNEXATION COSTS

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2.15.020	Established.	25

2.15.010 Purpose.

The District expends administrative time and incurs engineering and legal costs as a result of an application for annexation to the District boundaries. The purpose of this chapter is to establish the costs to be recovered by the District for processing applications for annexation to the District.

2.15.020 Established.

The owner of lands within areas proposed to be annexed to the District shall deposit with the District, prior to commencement of proceedings by the Board of the District on the proposed annexation, a sum to be set by the general manager. The sum shall be the estimated cost of engineering, legal, publication, environmental review, and all other charges which may be incurred by the District in preparing and examining maps, legal descriptions and other documents in relation thereto, and other expenses regularly incurred in connection therewith. Should the amount of the deposit exceed the costs incurred by the District, the excess shall be refunded to the owner making the deposit following the conclusion of the final hearing on the proposed annexation. Should the amount of the deposit be insufficient to pay such costs incurred by the District, the owner shall advance such additional sums as may be necessary to pay the costs prior to the conclusion of the final hearing on the proposed annexation.

Title 3

WATER SERVICE SYSTEM

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TITLE 3 — WATER SERVICE SYSTEM

Chapter 3.05

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3.05.010 Service area.

The District’s service area comprises the area within the boundaries of the District, and any area outside the District boundaries that the District serves pursuant to law or agreement.

3.05.020 Description of service.

- A. Supply. The District will endeavor, so far as is reasonably possible, to deliver a continuous supply of water to the customer at a sufficient pressure at the meter, and to avoid any shortage or interruption in delivery. If, in the opinion of the District, it is doubtful whether satisfactory water service can be provided due to location or elevation of the customer’s premises, then the District may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The release shall, without further notice from the District, remain in effect for all customers taking water through the service, until changes, extensions or betterments may be made to the distribution system by the District.
- B. Quality. The District will endeavor to supply safe water at all times.
- C. Bills. The District will endeavor to provide timely and accurate bills for customers.
- D. Classes of service. All services installed by the District will be classified as follows:
 - 1. Residential
 - 2. Multi-Family
 - 3. Landscape
 - 4. Commercial
 - 5. Industrial
 - 6. Institutional/Government

TITLE 3 — WATER SERVICE SYSTEM

7. Fire Service
 8. Temporary
- E. Types of service. All services, except connections to approved separate fire service or to authorized fire hydrants, will be metered.

3.05.030 Water loss or leakage.

The customer has sole control of the amount of water drawn from the District's mains through the meter and is responsible for maintenance and repairs of pipes and fixtures on the customer's side of the meter. No allowance will be made for theft or loss of water due to faulty fixtures or broken or damaged water pipes on the customer's side of the meter; provided, however, that if and when such loss or leakage has occurred without negligence upon the part of the customer, an allowance may be made by the District to the extent of such estimated loss.

3.05.040 Access to property.

- A. The District or its duly authorized agents shall, at all reasonable times, have the right to enter the customer's property for any purpose properly connected with the service of water to the customer. If consent to such entry is not given, the authorized officer or agent shall have recourse to every remedy provided by law to secure entry, and if necessary, shall obtain a civil inspection warrant in accord with Code of Civil Procedure Section 1822.50, et seq.
- B. Any inspection or recommendations made by the District or its agents on plumbing or appliances or use of water on the customer's property, either as the result of a complaint or otherwise, will be made without charge.

3.05.050 Interruptions in service and pressure maintenance.

The District will not be liable for interruption, shortage or insufficiency of supply, or for any increase or decrease in line pressure, or for any loss or damage occasioned thereby. The District, whenever it may find it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right to temporarily suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be made as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers. Whenever possible and as time permits, all customers affected will be notified prior to such shutdowns.

3.05.060 Pressure conditions—Nonliability.

All service connections or water service customers shall accept conditions related to increased or decreased pressure and temporary loss of service provided by the distribution system at the location of the proposed service connection. Each customer shall, as a condition for the receipt of water service, hold the District harmless for any and all damages arising out of low pressure or high pressure conditions or interruptions in service.

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3.05.070 Resale of water.

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

3.05.080 Tampering with District property prohibited.

No one, except an employee or representative of the District, shall at any time in any manner operate the curb cocks or valves (except to repair or change private plumbing), main cocks, gates or valves of the District's system; or interfere with meters or their connections, street mains or other parts of the water system.

3.05.090 Violation—Penalty.

If a customer fails to comply with all or any part of this title and any ordinance, resolution, or order fixing District rates and charges, a penalty for which has not been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied to such customer until such customer shall have complied with the rule or regulation, rate or charge which such customer has violated or, in the event that such customer cannot comply with the rule or regulation, until such customer shall have satisfied the District that in the future such customer will comply with all the rules and regulations established by ordinance of the District and with all rates and charges of this District.

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Chapter 3.10

WATER SERVICE APPLICATIONS

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3.10.010 Application for service.

Each applicant for water service shall be required to provide the District the following information:

1. The date water service is requested;
2. The location of premises to be served;
3. Whether the District has previously supplied water to the customer;
4. The purpose for which the service is to be used;
5. The size of water service;
6. The identity of the sewer service provider to the property;
7. The mailing or delivery address for bills;
8. The applicant's authority to apply for service (owner, occupant, or developer);
9. Agreement to abide by all regulations of the District;
10. Accept notification of service connection charge and fees;
11. The property owner (in addition to the applicant) must guarantee payment of future water bills for all service provided;
12. Consent to allow District inspections;
13. Consent to discontinue water service to the premises due to continuing violation or non-compliance with District rules or regulations, including non-payment of fees or charges;
14. Release from liability for damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply.

The application is merely a written request for service and does not bind the applicant to take service for any period of time longer than the one upon which the rates and minimum charges of the rate schedule are based; nor does receipt of the application bind the District to provide or continue service.

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3.10.020 Special contracts.

Contracts, other than applications, may be required prior to service, under the following conditions:

- A. When construction and/or extension of District facilities is necessary;
- B. For temporary service;
- C. For standby service or fire service;
- D. For connections with other qualified utilities; or
- E. For service outside the District.

3.10.030 Special information.

Contracts. Conditions of special contracts for water service shall at all times be subject to such changes or modifications by the Board as it may, from time to time, direct in the exercise of its jurisdiction.

3.10.040 Credit establishment.

- A. Establishment of credit. Each applicant, before receiving service, may be required to establish his credit by either of the following methods:
 - 1. A cash deposit to secure payment of his water bills as prescribed, in this chapter; or
 - 2. Use of District service at another property for more than three years, during the last thirty-six months of which the customer paid all water bills promptly.
- B. Re-establishment of credit. To re-establish credit, a customer will be required to pay all past due bills up to the time service was discontinued, and will be required to pay a reconnection charge and make a cash deposit as described in this chapter.

3.10.050 Deposits.

- A. Establishment of credit. The amount required to establish credit for service shall be in accordance with the current credit deposit schedule as adopted by resolution by the Board.
- B. Re-establish credit. To re-establish credit, customers must deposit an amount in accordance with the current credit deposit schedule as adopted by resolution by the Board.
- C. Unpaid accounts.
 - 1. Deposits may be applied to unpaid bills for water service when such service has been discontinued.
 - 2. The District requires the customer pay all outstanding bills and deposit the specified amount before rendering water service again.

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- D. Refund or disposition of deposits.
 - 1. The deposit, less the amount of any unpaid water bills, will be refunded, without interest, on discontinuance of service.
 - 2. The District shall notify the customer of the customer's entitlement to a refund of deposit at the customer's last known address as shown on the records of the District.
 - 3. A deposit with the District made by a customer whose account has not been in arrears at any time during the first three years of the deposit, is returnable after the expiration of the first three years.
- E. Exceptions.
 - 1. The above requirements for deposit shall not apply to federal, state, county or municipal service, nor to service to other utilities, religious or charitable institutions.
 - 2. In the event an applicant for service was a previous customer of the District who moved or otherwise terminated service in good standing with the District, the finance and human resources manager is authorized to waive the guarantee deposit upon finding that the applicant, who is the owner of the property, was a previous customer of the District with a good previous credit history.
- F. Unclaimed deposits. Deposits shall be deemed unclaimed and revert to the District upon the elapse of two years from the date the District mails the notice of entitlement of refund.
- G. Deposits are not interest bearing. Customer deposits will not accrue interest while in the District accounts.

3.10.060 Extension of service.

- A. General. All applicants for service shall be required to make the following payments with their application:
 - 1. Service installation costs by the District; and
 - 2. Capacity charges set by the District.
- B. Capacity charge. The capacity charge shall be determined by the Board from time to time and set forth by ordinance. The charge shall be based on the number and size of service connections and shall be payable upon application for service or prior to initiation of service. Such charge shall be computed so as, in the sole discretion of the Board, to equalize the cost of providing storage, supply, treatment and transmission facilities, with necessary appurtenances, throughout the District. The capacity charge payable by developers or owners shall be in accordance with the capacity charge as established or revised from time to time by the Board. If a tract lot owner subsequently applies for a meter larger than the first installed, the difference between the capacity charge for the meter ordered and the capacity charge for the meter first installed shall be payable upon application for service.

TITLE 3 — WATER SERVICE SYSTEM

- C. Dedication of facilities. All facilities necessary to serve a tract, including easements, well sites, and tank sites, must be dedicated to the District before acceptance of a development for service. The cost of such necessary in-tract and out-of-tract facilities shall be borne by the developer or owner.
- D. Commercial services. Applicants for commercial service shall be treated either as individual applicants or as developers for determining capacity charges. The District shall consider factors including the size of the property served, the number of connections necessary, the amount of main extension required in and out of streets, storage and pressure requirements, and like factors. The District shall have the power to make arrangements or agreements, or impose conditions as to commercial services where appropriate.
- E. Credit for construction of facilities by developers or owners.
 - 1. The cost of out-of-tract facilities (including engineering design fees), after certification as reasonable and proper by the District engineer, may be credited against capacity charges.
 - 2. If the approved cost of facilities exceeds the required charges, the District may enter into an agreement to refund such excess from capacity charges collected for a period not to exceed ten years from future connectors to such out-of-tract facility. The District will make no refunds and will pay only those capacity charges sums actually collected from such future connectors, as defined by the District at time of such agreement.

3.10.070 Responsibility of owner.

Where service is provided for residential use to a customer who is a tenant, and the tenant fails to pay his account, the District may require that service to subsequent tenants be furnished on the account of the landlord or property owner.

TITLE 3 — WATER SERVICE SYSTEM

Chapter 3.15

SERVICE CONNECTION AND MAINTENANCE

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3.15.010 Service connections and meters.

- A. Service connections. The District or approved contractor will furnish and install a service of such size and at such location as approved by the District. The service will be installed from its water distribution main to the curb line or property line of the premises, which may abut on the street, on other thoroughfares, or on the District right of way or easement. Charges for new service are payable in advance and shall be as fixed by the Board by resolution.
- B. No service connections to properties outside the boundaries of the District shall be made without prior approval of such connection by the Board. No modification of a service or increase in the size of a meter outside the boundaries of the District shall be made without prior approval of the Board. The granting of permission for such outside connections or modifications shall be optional with the Board.
- C. Meters.
 1. Meters will be installed at or near the curb or at the property line at a location desired by the applicant, at the determination of the District, and shall be owned by the District.
 2. 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. The laying of the customer's pipeline to the curb should not be done until the location of the service connection has been approved by the District.
 3. No rent or other charge will be paid by the District for a meter or other facilities, including housing and connections, located on a customer's premises.
 4. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

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5. Only duly authorized employees or agents of the District or approved contractor will be permitted to install a service connection from the District's main to the customer's premises.
- D. Changes in location of meters or services. Meters or services moved for the convenience of the customers will be relocated by the District, or District-approved contractor at the customer's expense. If meters or services are moved to protect the District's property, through no fault or accident of customer, the cost will be borne by the District.
- E. Changes in size of meter or service. Changes in the size of meter or service of existing services will be made by the District, or District-approved contractor at the customer's expense.
- F. Ownership. The service connection, whether located on public or private property, is the property of the District, and the District reserves the right to relocate, repair, replace, and maintain it, as well as to remove it upon discontinuance of service.
- G. Maintenance. The service connection, including the meter and the meter box, will be repaired and maintained by the District at its expense, but the District is not responsible for the installation and maintenance of water lines on the customer's side of the meter.

3.15.020 Meter error.

- A. Meter test.
 1. Prior to installation, each meter will have been tested and no meter failing to comply with AWWA Standards will be placed in service.
 2. On customer request:
 - a. A customer giving not less than fourteen days' notice, may request the District to test the meter serving his/her premises.
 - b. The District will require the customer to deposit an amount to cover the reasonable cost of the meter test to be set by the Board of directors by resolution.
 - c. This deposit will be returned if the meter is found to register more than 101.5 percent of the water that has passed through it.
 - d. A written report giving the results of the test will be available to the customer within ten days after completion of the test.
- B. Adjustment of bills for meter error.
 1. Fast meters. When a tested meter is found to be registering more than 101.5 percent of the actual water passing through the meter, under conditions of normal operation, the District will refund to the customer the full amount of the overcharge based on corrected meter readings for the period not exceeding six months, that the meter was in use, unless the exact duration of fast meter registration can be reasonably determined.

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2. Slow meters.
 - a. When a tested meter used for domestic or residential service is found to be registering 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 six months, that the meter was in use.
 - b. When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent (5%) slow, the District may bill the customer for the amount of the undercharge based upon correct meter readings for the period, not exceeding six months, that the meter was in use.
 3. Non-registering and unreadable meters. The District may bill the customer for water consumed while the meter was not registering or not readable. The bill will be at the minimum monthly meter rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.
- C. The opinion and findings of the general manager shall be final, subject to the right of appeal to the Board of directors.

3.15.030 Connections per premises.

- A. Separate Connections. Each house or building under separate ownership must be provided with a separate service connection. Two or more houses under one ownership and on the same lot or parcel of land may be supplied through the same service connection; provided that for each house an additional minimum will be applied to the single meter serving the houses, or a separate service connection may be provided for each building. The Board reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection.
- B. Single Connection. Not more than one service connection for domestic or commercial supply shall be installed for one building, except under special conditions.
- C. 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.
- D. 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.

3.15.040 Multiple units.

- A. Service to multiple units.
 1. Separate houses, buildings, living or business quarters on the same premises, under a single control or management, may be served at the option of the District by one of the following methods:

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- a. Through separate service connections and individual meters to each or any unit provided that the pipelines system from each service is independent of the others, and is not interconnected.
 - b. A single service connection and single meter to the entire premises. The District reserves the right to limit the number of units or area served by a single service connection and single meter.
2. Service connections shall not be used at any time to supply adjoining property of different ownership or supply property of same ownership on opposite sides of any street or alley.
 3. The responsibility for payment of charges for all water furnished to combined units, supplied through a single service connection, must be assumed by the applicant.

3.15.050 Temporary service.

- A. Service types.
 1. Hydrant meters.
 2. Temporary in-ground or on-ground meters.
- B. Time limit. Temporary service connections shall be disconnected and terminated within six months after installation unless the permit states otherwise or an extension of time is granted in writing by the District.
- C. Charge for water served. Charges for water furnished through a temporary service connection shall be at the established rates.
- D. Installation charge and deposits. The applicant for temporary service will be required:
 1. To obtain a portable meter from the District or pay for a temporary meter installation.
 2. To deposit with the District an amount equal to the replacement cost of any equipment loaned to such applicant for use in temporary service, such value to be set by the general manager.
 3. Temporary service other than a fire hydrant meter shall require a deposit in accordance with the schedule for service connection charges. After receipt of the deposit, District will provide the temporary facilities. Upon request, the District will remove temporary service facilities and credit customer with the salvage value of materials and equipment removed. All District charges shall be paid before return of customer credits.
- E. Responsibility for meters and installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the utility that are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight hours' notice in writing has been given to the District that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

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- F. Temporary service on a fire hydrant. It is specifically prohibited for any person other than authorized fire or water District personnel to operate the valve of any fire hydrant. The hydrant valve will not be used for throttling or regulating the flow rate.

3.15.060 Responsibility for equipment.

The customer's responsibility begins on the customer's side of the meter. The customer shall, at his own risk and expense, furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and using water. The District shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

3.15.070 Damage to District's property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the District which is caused by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The customer shall reimburse the District for any such damage promptly on presentation of a bill.

3.15.080 Control valves.

- A. The customer shall install a suitable valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the service.
- B. The operation by the customer of the curb stop in the meter box is not permitted.

3.15.090 Ground-wire attachments.

All persons are forbidden to attach any ground-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.

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Chapter 3.20

CROSS - CONNECTION CONTROL

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3.20.010 Cross-connection control program—Purpose.

- A. The purposes of Sections 3.20.010 through 3.20.060 are:
1. To protect the public water supply against actual or potential contamination through cross-connections by implementing this cross-connection control program;
 2. To isolate sources of contamination that may occur within a water user’s premises because of undiscovered or unauthorized cross-connection on the premises;
 3. To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;
 4. To eliminate cross-connections between drinking water systems and sources of contamination; and
 5. To prevent the making of cross-connections in the future.
- B. These regulations are adopted pursuant to California Health and Safety Code and Title 17 Sections 7583 et seq. of the California Code of Regulations.
- C. The District shall evaluate the degree of potential health hazard to the public water supply that may be created as a result of conditions existing on the user’s premises. The District shall not be responsible for abatement of cross-connections that may exist within a user’s premises.
- D. It is unlawful for any person at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the District and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction, may cause or allow backflow of water or other substances into the water supply system of the District.

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3.20.020 Cross-connection protection requirements.

A. General Provisions.

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the District will require the water user to comply with the provisions of Sections 3.20.010 through 3.20.060 as well as the provisions of Chapter 3.20 of the District code regarding the use regulations for backflow protectors.

B. Where Protection Is Required.

1. Each service connection from the District water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public 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.
2. Each service connection from the District water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the District water system which have been subjected to deterioration in sanitary quality.
3. 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 state or local health department and the District, or (b) intricate plumbing and piping arrangements, or (c) 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.

C. Type of Protection Required.

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the water user's premises. The types of protective devices that may be required (listed in an increasing level of protection) include: double check valve assembly (DC), reduced pressure principle backflow prevention device (RP), and an air-gap separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types of backflow protection required to protect the public water supply, at the water user's connection to premises with various degrees of hazard are given in Table 1 of Title 17, California Code of Regulations, Section 7604, a copy of which is attached and incorporated herein by reference. Situations not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the District or health agency.

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TABLE 1
TYPE OF BACKFLOW PROTECTION REQUIRED

Degree of Hazard	Minimum Type of Backflow Prevention
(a) Sewage and Hazardous Substances	
(1) Premises where there are waste water pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(2) Premises where hazardous substances are handled in any manner in which the substances may enter the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(3) Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.	RP
(b) Auxiliary Water Supplies	
(1) Premises where there is an unapproved auxiliary water supply interconnected with the public water system. An RP or DC may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(2) Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the health agency and water supplier.	RP
(c) Recycled Water	
(1) Premises where the public water system is used to supplement the recycled water supply.	AG
(2) Premises where recycled water is used, other than as allowed in paragraph (3), and there is no interconnection with the potable water system.	RP
(3) Residences using recycled water for landscape irrigation as part of an approved dual plumbed use area established pursuant to sections 60313 through 60316 unless the recycled water supplier obtains approval of the local public water supplier, or the California Division of Drinking Water if the water supplier is also the supplier of the recycled water, to utilize an alternative backflow protection plan that includes an annual inspection and annual shutdown test of the recycled water and potable water systems pursuant to subsection 60316(a).	DC
(d) Fire Protection Systems	
(1) Premises where the fire system is directly supplied from the public water	DC

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TABLE 1	
TYPE OF BACKFLOW PROTECTION REQUIRED	
Degree of Hazard	Minimum Type of Backflow Prevention
system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	
(2) Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(3) Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps that take suction from private reservoirs or tanks are used.	DC
(4) Buildings where the fire system is supplied from the public water system and where recycled water is used in a separate piping system within the same building.	DC
(e) Dockside Watering Points and Marine Facilities	
(1) Pier hydrants for supplying water to vessels for any purpose.	RP
(2) Premises where there are marine facilities.	RP
(f) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that they do not exist.	RP
(g) Premises where there is a repeated history of cross-connections being established or re-established.	RP
Note: Authority cited: §116375, Health and Safety Code; and §13521, Water Code. Reference: §116375, Health and Safety Code; and § 13520, 13521 and 13554(a)(3), Water Code.	

2. Two or more services supplying water from different street mains to the same building or premises through which an inter-street 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 valve shall not be considered adequate if backflow protection is deemed necessary to protect the District’s mains from pollution or contamination; in such cases the installation of approved backflow devices at such service connections shall be required.

3.20.030 Backflow prevention devices.

A. Approved Backflow Prevention Assemblies.

1. Only backflow prevention assemblies approved by the California Division of Drinking Water shall be acceptable for installation by a water user connected to the District’s potable wa-

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ter system. Approved backflow preventers shall have passed laboratory and field evaluation tests performed by a recognized testing organization that has demonstrated their competency to perform such tests to the California Division of Drinking Water.

2. The District will provide, upon request, to any customer, a list of approved backflow prevention devices.

B. Construction of Backflow Preventers.

1. AG. An air-gap separation shall be at least double the diameter of the supply pipe, measured vertically from the flood rim of the receiving vessel to the supply pipe; however, in no case shall this separation be less than one inch.
2. DC. A required double check valve assembly shall, as a minimum, conform to the AWWA Standard C506-78 (R83) adopted on January 28, 1978 for double check valve type backflow preventive devices, which is incorporated by reference.
3. RP. A required reduced pressure principle backflow prevention device shall, as a minimum, conform to the AWWA Standard C506-78 (R83) adopted on January 28, 1978 for reduced pressure principle back-flow prevention devices, which is incorporated by reference.

C. Backflow Prevention Device Installation and Location.

1. Backflow prevention devices shall be installed in the manner prescribed in Section 7603 of Title 17 of the California Code of Regulations and in accordance with District standard details. Location of the devices should be as close as practical to the water user's connection. The District shall have the final authority in determining the required location of a backflow prevention device.
 - a. AG. The air-gap separation shall be located on the water user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate at a distance of at least two pipe diameters of the supply inlet, but in no case less than two inches above the overflow rim of the receiving tank.
 - b. RP. The approved reduced pressure principle backflow prevention device shall be installed on the water user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches above grade and not more than thirty-six inches above grade measured from the bottom of the device and with a minimum of twelve inches side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the District.
 - c. DC. The approved double check valve assembly shall be located as close as practical to the water user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of six inches between the bottom of the vault and the bottom of the device,

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so that the top of the device is no more than a maximum of eight inches below grade, so there is a minimum of twelve inches of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of twelve inches clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the “Y” type. These devices must be installed on their “side” with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults without an integrated bottom must be placed on a six-inch layer of gravel.

D. Backflow Prevention Device Testing and Maintenance.

1. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated competency in testing of these devices to the District. Persons with current certification by AWWA or University of Southern California as backflow prevention device testers shall be deemed competent.
2. Backflow prevention devices must be tested at least annually and immediately after installation, relocation, or repair. The District may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the District shall be filed with the District each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective. All costs of testing, repair, and maintenance shall be borne by the water user.
3. The District will supply affected water users with a list of persons acceptable to the District to test backflow prevention devices. The District will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

E. Backflow Prevention Device Inspection. The double check valve or other approved backflow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be serviced, overhauled or replaced whenever they are found defective and all costs of replacement, repair and maintenance shall be borne by the customer.

F. Backflow Prevention Device Removal. Approval must be obtained from the District before a backflow prevention device is removed, relocated, repaired or replaced:

1. 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;
2. Relocation. A device may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;
3. Repair. A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is

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equipped with other backflow protection approved by the District. A retest will be required following the repair of the device; and

4. 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 and must be commensurate with the degree of hazard involved.
- G. Backflow Protectors — Discontinuance of Service. The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installation or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

3.20.040 User supervisor.

The District or local health agency may, at their discretion, require an industrial water user to designate a user supervisor, at the customer's expense, when the customer's premises has a multi-piping system that conveys various types of fluids, some of which may be hazardous, and where changes in the piping system are frequently made. The user supervisor shall be responsible for the avoidance of cross-connections during the installation, operation, and maintenance of the customer's pipelines and equipment.

3.20.050 Administrative procedures.

A. Water System Survey.

1. The District shall review all requests for new service 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 device must be installed before service will be approved.
2. The District may require an on-premises preliminary inspection (screening) to evaluate cross-connection hazards. The District will transmit a written notice requesting an inspection appointment to each affected customer. Any water user who cannot or will not allow an on-premises inspection of his piping system shall be required to install the backflow prevention device the District considers necessary.
3. If the preliminary inspection reveals that cross-connection hazards do exist on any premises, the District shall conduct a detailed inspection to evaluate the existing hazards. The District will transmit a written notice requesting an inspection appointment to each affected water user.
4. Any water user who cannot or will not allow an on-premises inspection of water user's piping system shall be required to install the backflow prevention device the District considers necessary. Based on findings of the detailed inspection, the District will prepare a report outlining the defect found and the manner in which it is to be corrected.

B. Customer Notification—Device Installation.

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1. The District will notify the customer of the inspection findings, listing the corrective actions to be taken. A period of sixty days will be given to complete all required corrective actions, including installation of backflow prevention devices. In the event the customer installs a mechanical backflow prevention assembly, the water user may elect to have the District perform the initial testing of the assembly.
 2. The District will re-inspect the premises at the end of that time period to verify compliance or noncompliance.
 3. If the customer does not comply within the time period allowed, the District will issue a second notice. The second notice will give the water user fourteen days to take the required corrective action.
 4. If the customer fails to comply within the fourteen-day period, the District may terminate water service to the affected water user until compliance is obtained.
- C. Customer Notification —Testing and Maintenance.
1. The District will notify each affected customer when it is time for the backflow prevention device installed on the service connection to be tested. This written notice shall give the customer thirty days to have the device tested and supply the customer with the necessary form to be completed and submitted to the District.
 2. A second notice shall be sent to each customer who fails to have the backflow prevention device tested as prescribed in the first notice within the thirty day period allowed. The second notice will give the customer fourteen days to comply. If no action is taken within this time period, the District may terminate water service to that customer until the subject device is tested.
 3. Reports of testing and maintenance shall be maintained by the District for a minimum of three years.

3.20.060 Water service termination.

- A. General. When the District encounters water uses that represent clear and immediate hazards to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service, as set forth in subsection C of this section.
- B. Basis for Termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:
1. Refusal to install a required backflow prevention device;
 2. Refusal to test a backflow prevention device;
 3. Refusal to repair a faulty backflow prevention device;
 4. Refusal to replace a faulty backflow prevention device;
 5. Direct or indirect connection between the public water system and a sewer line;

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6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
 7. Unprotected direct or indirect connection between the public water system and an auxiliary water system; and
 8. A situation that presents an immediate health hazard to the public water system.
- C. Water Service Termination Procedures.
1. For conditions 1, 2, 3 or 4 set forth in subsection B of this section, the District will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be taken. If no action is taken within the time period allowed, the District may terminate water service.
 2. For conditions 5, 6, 7, or 8 of subsection B of this section, the District will take the following steps:
 - a. Make reasonable efforts to advise the water user of its intent to terminate water service; and
 - b. Terminate water service and lock service valve. The water service will remain inactive until the District approves correction of the violation.

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Chapter 3.30

FIRE PROTECTION INSTALLATION AND SERVICES

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ARTICLE I. — PUBLIC SERVICE.

3.30.010 Use of fire hydrants.

Fire hydrants are for use by the District or by public fire protection agencies. Other parties desiring to use fire hydrants for any purpose must 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.

3.30.020 Moving fire hydrants.

When a fire hydrant has been installed in the location specified by the 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 shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved in advance by the District.

ARTICLE II. — PRIVATE SERVICE.

3.30.040 Cost.

The applicant for private fire protection service shall pay all costs of installation of the service from the distribution main to the customer's property including the cost of a detector check meter or

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other suitable and equivalent device, valve, and meter box. The District or approved contractor will furnish and install a service of such size and at such location as approved by the District. The fire service lateral from the water distribution main to the customer's property line shall become the property of the District.

3.30.050 Fire service connection regulations.

The following rules shall apply to fire service connections:

- A. Valve. When a fire service connection is installed, the valve governing the same shall be closed and sealed and remain so until a written order is received from the property owner to have the water turned on.
- B. Meter. If the District does not require a meter, and if water is used through a fire service connection for any purpose other than extinguishing fires, the District shall have the right to place a meter on the fire service connection at the property owner's expense, or shut off the entire water supply from such premises.
- C. Additional Service. The District shall have the right to take a residential, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs.
- D. Check Valve. The District reserves the right to require the property owner to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters and to equip the same with a bypass meter.

3.30.060 Connection to other systems prohibited.

There shall be no connections between the fire protection system and any other water distribution system on the premises.

3.30.070 Use restricted to firefighting.

There shall be no water used through the fire protection service except to extinguish fires and for testing the fire-fighting equipment.

3.30.080 Meter rates.

Any consumption recorded on the meter will be charged at double the regular service rates except that no charge will be made for water used to extinguish fires and for testing the fire-fighting equipment where such fires and testing have been reported to the duly authorized fire protection agency.

3.30.090 Monthly rates.

The monthly rates for private fire protection service shall be established by the District Board by ordinance.

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3.30.100 Filling fire storage tanks.

Water may be obtained from a private fire service for filling a tank connected with the fire service, but only after prior written permission is secured from the District and an approved means of measurement is available. The regular water rates shall be applied.

3.30.110 Water pressure and supply—Nonliability.

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 system.

3.30.120 Violation—Discontinuance.

If water is used from a private fire service in violation of the District code, the District may, at its option, discontinue and remove the service.

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Chapter 3.40

RATES, CHARGES AND BILLING PROCEDURES

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ARTICLE I. — NEW WATER SERVICE INSTALLATION CHARGES AND FEES

3.40.010 New water service charges.

New water service charges shall be collected in accord with the provisions of this chapter. Such charges must be paid to the District prior to connecting the customer's facility to the District water system in accord with the terms and conditions stated in this chapter, unless the Board of Directors shall, by special agreement with the customer, provide other charges or other terms and conditions of payment than those stated in this chapter.

3.40.020 Service and meter installation charge.

The person requesting service shall be responsible for installation of the new service including tapping, water service piping, and vault. The District or approved contractor shall install the new service at the expense of the customer. The District will install the meter in the furnished vault. Meters three inches and larger require compound meters. The charge for meter installation shall be as fixed by the Board by resolution.

3.40.030 Capacity charge.

A capacity charge for the right of service in the existing, proposed, and pending water supply, storage, transmission and distribution facilities of the District shall be payable to the District for all new water connections and all water connections increased in size within the boundary of the District. The water meter capacity charge shall be determined by the Board and set forth by ordinance. The capacity charge for increasing the size of the service and water meter shall be payable on the basis of the difference between the existing and the new meter size. The capacity charges

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shall be automatically adjusted as provided in Section 3.40.040 of the District code. The imposition of a capacity charge on any school district, county office of education, community college district, the California State University, the University of California, or state agency shall be subject to the requirements set forth in Section 54999.3 of the Government Code, as may be amended from time to time. If connection is not made to the District's water system within three hundred sixty-five days from the date a capacity charge is paid, the difference between the amount paid and the amount of the capacity charge in effect at the time of the connection shall be paid to the District.

3.40.040 Adjustment of capacity charges.

The capacity charge stated in Section 3.40.030 shall be automatically adjusted each year on July 1st by an increment based on the change in the Engineering News Record Construction Cost Index for San Francisco over the prior year, using the index published for the first quarter of the calendar year, and rounded to the nearest twenty-five dollars.

3.40.050 Payment required prior to subdivision acceptance.

Payment of capacity charges required under this chapter, together with any other charges which may be established by the District, shall be made to the District prior to acceptance of water facilities and connection of new facilities to the District's water system.

3.40.060 Alteration of use—Additional charges.

The capacity charges established in this chapter are applicable to the proposed use for the water service at the time the service is to be rendered. If a customer applies for a larger water service and larger meter, the capacity charge for increasing the size of the service and water meter shall be payable on the basis of the difference between the existing and the new meter size.

3.40.070 Special agreements—Authority of District.

Where, in the opinion of the District, special conditions exist relating to service to any customer, the District may revise, either upward or downward, any of the capacity charges provided in this chapter by motion, resolution, or ordinance, or it may provide for the charges to be paid by special agreement between the District and the applicant for water service. The capacity charge so imposed shall bear a positive correlation to the amount of water subject to use at this location, based upon substantial evidence in the record.

3.40.080 Inspection fees—Established.

A. The District shall charge inspection fees to cover the District's administrative, engineering and legal costs for inspection fees for new infrastructure construction or development located within the District's boundaries. The inspection fee shall be based upon the estimated cost of construction of the water lines and appurtenances and shall be updated from time to time by resolution of the Board.

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- B. Fifty percent of the fees established pursuant to this section shall be paid in advance of the District's review and approval of the subdivision plan. The balance of said fee shall be paid prior to the District's inspection. The District shall have no obligation to perform any such inspection until such fees are paid.
- C. Fees established pursuant to the authority granted in this chapter shall be reviewed from time to time. Any modification of the fee schedule shall be accomplished by resolution of the Board.

ARTICLE II. — MONTHLY WATER RATES AND CHARGES

3.40.150 Water rate schedules.

Monthly services charges and consumption rates for residential, multi-family, and non-residential water service shall be fixed by the Board from time to time and set forth by ordinance.

ARTICLE III. — BILLING AND COLLECTION

3.40.200 Billing period.

The regular billing period will be annually, monthly or bimonthly at the option of the District.

3.40.210 Meter reading.

The District will endeavor to read meters on the same day each month.

3.40.220 Opening and closing of bills.

Opening and closing bills for less than the normal billing period shall be charged for the base rate (minimum) and for the actual water quantity used. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge (base rate) applicable. Closing bills may be calculated by the District for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued, provided a reading of the meter has been taken District personnel.

3.40.230 Water charges—Due date.

Water charges are due and payable at the office of the District upon presentation and become delinquent after the twentieth of the following month, regardless of whether the twentieth falls on a Saturday, Sunday, or holiday. Service may be discontinued without further notice if payment is not made by the delinquent date.

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3.40.240 Payment of bills.

Bills for metered water service shall be rendered at the end of each billing period.

Utility bills, including service and penalty charges, are due and payable on presentation. They become delinquent if not paid on or before the “Late After” date printed on the front of the Utility Service Bill. Payments should not be mailed if the customer is not sure it will be received in the District’s office before the “Late After” date. Postmarks will not be accepted as the payment received date. Payments may be mailed, placed in drop boxes at the District office, or paid in person at the District office during business hours. Additional payment methods include: in person, by phone (if paying by credit card), by signing up for free in-house auto pay, or online through the District’s online bill/payment link on the District’s website. All utility service bills are mailed by the last business day of the month.

3.40.250 Separate billings—Exception.

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

3.40.260 Consumer liability for water used.

The water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the District for any purpose, the property owner must agree to guarantee payment of future water bills for the service required. The person(s) named customer on the account may be held liable for water used until the District is notified in writing by the customer to discontinue service or to transfer the account to another property owner. If the District furnishes water for residential use to a customer who is a tenant, and the tenant fails to pay the account for such service, the District may require that service to subsequent tenants be furnished on the account of the landlord or property owner.

3.40.270 Unauthorized water use.

A person taking possession of premises and using water from an active service connection without having made application to the District for water service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

3.40.280 Water turn-on—Nonliability for running water or damage inside.

When turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The District’s

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jurisdiction and responsibility ends at the property line and the District will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

3.40.290 Shut-off notices.

Utility customers whose accounts are past due will be notified that their account is delinquent and subject to discontinuance for nonpayment. See Article IV. – Termination of Water Service, sections 3.40.510 to 3.40.550 for more information.

Overdue payments not received by 10:00 a.m. on the day of the shut-off will result in discontinuation of service. Service will be restored only after full payment of the delinquent balance, deposit, and the reconnection fee. If the District does not receive payment by 3:00 p.m., water service will not be reconnected until the following business day.

3.40.300 Discontinuance for nonpayment.

Service may be discontinued to premises for which a bill has not been paid on or before the twentieth day of the month. The amount of the guarantee deposit held by the District to establish credit for that service will not be considered on past due balances while the service is an active account.

3.40.310 Liens for delinquent bill.

In each case where any bill for water service remains delinquent for more than 180 days, the finance manager may prepare, execute, and record a lien on the property upon which the delinquent water service charges were incurred. The Notice of Lien recorded by the District shall state the amount of unpaid charges and any penalties assessed thereon. A property owner subject to such lien may discharge it by paying all amounts due, after which the District shall record a Release of Lien. Liens recorded under this code shall have the same force, effect, priority and duration as a judgment lien, and may be enforced at any time against the property owner by the District in the same manner as a judgment lien. If a lien property is sold, the escrow holder shall pay the lien out of escrow to the District from the property owner's proceeds, including the property lien filing fee established by Section 3.40.440.

3.40.320 Failure to receive bill—Consumer liable.

Failure to receive a utility bill does not relieve the consumer of liability for that bill. Any amount due is a debt owed to the District, and any person failing, neglecting or refusing to pay such indebtedness shall be liable in an action in the name of the District in any court of competent jurisdiction for the amount thereof. Indebtedness shall include the cost of utility service, applicable fees and charges (including but not limited to interest, late fees, administrative fees and reconnection charges), costs of suit and attorney's fees required to collect the debt.

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3.40.330 Administrative collection fee.

An administrative collection fee, as established by the Board and updated from time to time by resolution, will be charged for each shutoff notice mailed or each door hanger delivered during the collection cycle.

3.40.340 Reconnection charge.

A reconnection charge, as established by the Board and updated from time to time by resolution, plus penalties, shall be made and collected prior to renewing service following a discontinuance. Following payment of the reconnection charge, service will be restored between 8:00 a.m. and 3:00 p.m. Monday through Friday, except holidays. The charge shall be in addition to any amount required for re-establishment of credit in accordance with Section 3.10.050.

3.40.350 Call-out fee.

A call-out fee, as established by the Board and updated from time to time by resolution, shall be charged to any customer for whom water service is turned on after 3:00 p.m. on normal business days, during holidays, or weekends at the customer's request.

3.40.360 Discontinuance—Unsafe apparatus.

Water service may be refused or discontinued to any premises where apparatus or appliances are in use that might endanger or disturb the service to other customers.

3.40.370 Discontinuance—Cross-connections.

Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of state or federal laws.

3.40.380 Discontinuance—Fraud.

Service may be discontinued if necessary to protect the District against fraud or abuse.

3.40.390 Discontinuance—Noncompliance.

Service may be discontinued for noncompliance with Section 3.05.080, this title or any other ordinance or regulation relating to water service.

3.40.400 Discontinuance—Vacating premises.

Customers desiring to discontinue service should so notify the District two days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for charges whether or not the water is used.

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3.40.410 Delinquent accounts—Penalty.

Rates and charges not paid on or before the twentieth day of the month and for which there is a past-due balance of more than one dollar shall be subject to a basic, one-time penalty of ten percent of the amount currently becoming delinquent plus a continuing penalty in the sum of one-half percent of the amount of continuing delinquency for each payment period the amount due continues to be unpaid.

3.40.420 Returned check fee.

A returned check fee, as established by the Board and updated from time to time by resolution, shall be charged to a customer for each check from that customer returned by the bank as uncollected for any reason. Collection efforts will resume at the point before the payment was posted to the account and could result in immediate termination of service.

3.40.430 Collection by suit—Costs.

- A. All unpaid rates and charges and penalties provided in this chapter may be collected by suit.
- B. Defendant shall pay all costs of suit and attorney's fees incurred related to any judgment rendered in favor of the District.

3.40.440 Property lien filing fee.

A property lien filing fee, as established by the Board and updated from time to time by resolution, shall be charged to a customer each time the District files a lien for money due on a delinquent account for that customer.

ARTICLE IV. — TERMINATION OF WATER SERVICE

3.40.460 Notice to actual users.

Whenever the District provides water through a master meter or furnishes individually metered service in a multiunit residential structure, mobile home park, or farm labor camp where the owner, manager or farm labor employer is listed by the District as the customer of record of the service, the District shall make every good faith effort to inform the actual users of the services, when the account is in arrears, by means of a notice of proposed termination of water service.

- A. The notice required by this section shall inform the actual users of the water service that:
 - 1. Water service will be terminated in ten days; and
 - 2. Actual users have the right to become customers of the District without being required to pay the amount due on the delinquent account.

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- B. The District is not required to make water service available to the actual users unless each actual user agrees to the terms and conditions of service and meets the District's requirements for water service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those actual users who have not met the District's requirements for water service, the District shall make service available to the actual users who have met those requirements.

3.40.470 Restrictions on termination.

The District shall not terminate residential water service for nonpayment in any of the following situations:

- A. During the pendency of an investigation by the District of a customer dispute or complaint;
- B. When a customer has been granted an extension of the period for payment of a bill;
- C. On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for water service within the normal payment period and is willing to enter into an amortization agreement with the District pursuant to Section 3.40.480, with respect to all charges that the customer is unable to pay prior to delinquency; or
- D. When a customer is complying with an amortization agreement, as provided for in Section 3.40.490, if the customer keeps the account current as charges accrue in each subsequent billing period.

3.40.480 Complaints—Requests for investigation.

Any residential customer who has initiated a complaint or requested an investigation within ten days of receiving the disputed bill, or who has, within thirteen days of mailing of the notice required by Section 3.40.510, made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request by the general manager. The general manager shall notify the customer in writing by mail of his/her determination within ten days of receipt of the complaint.

3.40.490 Amortization agreements.

The review of the complaint or request shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time not to exceed twelve months. The District shall permit, upon request, any customer meeting the requirements of this section to amortize, over a period not to exceed twelve months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment. The delinquency charge of one-half of one percent on the delinquent balance shall continue to accrue on the amount being amortized.

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3.40.500 Appeals.

Any customer whose complaint or request for an investigation pursuant to Section 3.40.480 has resulted in an adverse determination by the District may appeal the determination to the Board pursuant to Chapter 1.25 of the District's code.

3.40.510 Notice of termination.

The District may not terminate residential water service on account of nonpayment of a delinquent account unless the District first gives notice of the delinquency and impending termination.

3.40.520 Manner of delivery.

The notice shall be mailed, postage prepaid, to the customer to whom the service is billed.

3.40.530 Time of mailing and termination.

The notice shall be mailed not earlier than twenty-one days from the date of mailing the District's bill for services. The date of proposed termination shall be at least ten days after the date of mailing the notice.

3.40.540 Contents of notice.

Every notice of termination of residential water service pursuant to this chapter shall include the following information:

- A. The name and address of the customer whose account is delinquent.
- B. The amount of the delinquency.
- C. The date by which payment or arrangements for payment is required in order to avoid termination.
- D. The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that if the bill for service contains a description of that procedure, the notice is not required to contain that information.
- E. The procedure by which the customer may request amortization of the unpaid charges.
- F. The procedure for the customer to obtain information on the availability of financial assistance, including private, local, State or Federal sources, if applicable.
- G. The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

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3.40.550 Personal notice.

In addition to the written notice required above, the District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight hours prior to any termination of water service. This notice shall include the items of information in subsections A, B, C, F, and G of Section 3.40.540.

3.40.560 Failure to comply with amortization agreement.

If a residential customer fails to comply with an amortization agreement, the District shall not terminate water service without giving notice to the customer at least forty-eight hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further review or investigation by the District.

3.40.570 Wrongful termination.

No termination of residential water service may be effected without compliance with this chapter, and any water service wrongfully terminated shall be restored without charge for the restoration of service.

3.40.580 Cessation of water service.

The District shall not, by reason of delinquency in payment for water service, cause cessation of that service on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

TITLE 3 — WATER SERVICE SYSTEM

Chapter 3.45

WATER CONSERVATION

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3.45.010 Purpose.

The purpose of this chapter is to establish standards and procedures for water conservation, to reduce or eliminate the waste of water in the District, enable implementation of the District's water shortage contingency plan, and implement the current Hollister Urban Area Urban Water Management Plan (HUAWMP). The HUAWMP is a regional plan prepared in collaboration with the City of Hollister, the District, and the San Benito County Water District. The HUAWMP is updated from time to time and adopted by the District by resolution.

3.45.020 Application.

This chapter shall apply within the District and compliance with the provisions of this chapter shall be a condition of water service within the District. The District shall work cooperatively with the City of Hollister and the San Benito County Water District to facilitate the adoption of ordinances and regulations to conserve water and update the HUAWMP as required by the State of California.

3.45.030 Mandatory restrictions on water waste.

The District has adopted the following mandatory water restrictions to promote water conservation and to preserve the District's precious water resources.

- A. Indiscriminate or excessive water use, which results in water waste.
- B. Washing of cars, buildings, or exterior surfaces without the use of a quick-acting, positive shut-off nozzle.
- C. Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping between 9:00 am and 5:00 pm by means other than drip irrigation or hand watering with a quick-acting, positive shut-off nozzle.
- D. Use of potable water to wash sidewalks or roadways when the use of air blowers or sweeping would provide a reasonable alternative.

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- E. Allowing water waste caused by easily correctable leaks, breaks, or malfunctions, after a reasonable time within which to correct the problem.
- F. Operation of decorative fountains without the use of recirculating systems.
- G. Use of potable water for construction purposes, such as consolidation of backfill, except when no other method can be used.
- H. Restaurant water service unless upon customer request.
- I. Hydrant flushing except where required for public health and safety.
- J. Refilling existing private pools except to maintain water levels and to perform required maintenance.

3.45.040 Water shortage contingency plan.

The District maintains a water shortage contingency plan as detailed in the HUAWMP and by ordinance. Provisions of the HUAWMP will be enforced through this chapter.

3.45.050 Implementation.

The general manager shall be charged with implementation of this chapter. The general manager shall report to the Board all factors that affect the implementation of this chapter and shall maintain a separate file of any requests for variances from the prohibitions set forth in this chapter.

3.45.060 Variances.

The prohibitions set forth in this chapter may be modified in writing by the general manager upon written request without formal application or hearing when the modification is consistent with the District rationing and water conservation goals and where the strict application of the requirements of this chapter would cause health or safety problems or cause extreme hardship. In the event that a variance applicant is not satisfied with the decision of the general manager, the applicant may seek further relief before the District Board of Directors by filing a request for a variance within ten days from the date of receiving the decision from the District's general manager pursuant to Chapter 1.25.

3.45.070 Violations—Notice.

- A. Should any person fail or refuse to comply with the provisions of this chapter, the District's general manager or his agent shall provide that person with written notice of the violation and an opportunity to correct the noncompliance. This notice shall be in writing and shall:
 - 1. Be posted at the site of the noncompliance;
 - 2. State the time, date and place of violation;
 - 3. State a general description of the violation;
 - 4. State the means to correct the violation; and

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5. State a date by which correction is required.
- B. A copy of the written notice shall further be mailed to the address of the violation, to the party who is billed for the water, or to the owner of the property, as appropriate.

3.45.080 **Violations—Penalty.**

Any violations of this chapter shall be punishable as provided in Chapter 1.15 of this code.

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Chapter 3.50

WATER CONSERVATION STANDARDS FOR NEW DEVELOPMENT

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3.50.010 Purpose.

It is the intention of the District through adoption of the ordinance codified in this chapter that all water conservation and landscaping plans submitted by developers for projects located within the District boundaries pursuant to Government Code Section 65591, et seq., be subject to review and approval of the District in addition to review and approval by the City or County. It is the District's intent that no water service agreement shall be entered into between the District and a developer until the water conservation and landscaping plan has been approved by the District.

3.50.020 Legal requirements.

The District jurisdictional boundary contains areas within both the City and the unincorporated areas of County. Under Government Code Sections 65591, et seq., the City and County are required to adopt an ordinance containing certain provisions for water conservation and water efficient landscaping. On July 7, 1992, the County adopted its final water conservation plan. The City has a water conservation plan pursuant to Government Code Section 65591, et seq., the model ordinance for water conservation and efficient landscaping prepared by the state that took effect on January 1, 1993.

3.50.030 District requirements.

Prior to the District entering into a water service agreement with an individual or developer for residential, commercial or agricultural service, the party requesting water service shall demonstrate to the District that the requesting party has met all requirements of the water conservation and landscape efficiency plan as adopted by the County or City pursuant to Government Code Section 65591, et seq.

The party requesting service must also provide to the District its water conservation plan and landscape efficiency plan for review and approval by the District. In this regard, the City and County have agreed to impose the requirements of the ordinance codified in this chapter as a condition of tentative map approval for any development.

No water service contract shall be entered into by the District unless and until the party requesting service has met the requirements of this chapter.

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3.50.040 Violations—Penalty.

Any violations of this chapter shall be punishable as provided in Section 1.15 of this code.

Title 4

SEWER SERVICE SYSTEM

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Adopted February 17, 2015 by Ordinance No. 79

TITLE 4 — SEWER SERVICE SYSTEM

Chapter 4.05

GENERAL PROVISIONS

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4.05.010 Service Area.

The District's sewer system service area consists of the area including the Ridgemark, Quail Hollow, and Oak Creek developments. -The District's sewer service area may be amended from time to time.

4.05.020 Purpose.

This chapter is intended to provide minimum standards, rules, and regulations for the use and construction of sanitary sewer facilities installed, altered or repaired within the District. This chapter shall not apply retroactively, and in the event an alteration or repair is made after the effective date of this chapter, it shall apply only to new materials and methods used for that repair or construction.

4.05.030 Rules and regulations.

All rules and regulations set forth in this chapter are adopted and, all construction, installation, alteration, repair of other work in respect thereto shall be performed as required in this chapter and not otherwise.

4.05.040 Access to property.

- A. The District or its duly authorized agents shall, at all reasonable times, have the right to enter the customer's property for any purpose connected with the service of wastewater collection to the customer. If consent to such entry is not given, the District shall have recourse to every remedy provided by law to secure entry, and if necessary, shall obtain a civil inspection warrant in accord with Code of Civil Procedure Section 1822.50, et seq.
- B. Any inspection or recommendations made by the District or its agents on plumbing or appliances or discharge of wastewater from the customer's property, either as the result of a complaint or otherwise, will be made without charge.

TITLE 4 — SEWER SERVICE SYSTEM

Chapter 4.10

USE OF PUBLIC SYSTEM

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4.10.010 Required.

The owner of any building situated within the District requiring sewage disposal and abutting on any right-of-way or easement in which there is now located or may in the future be located a public sewer of the District, is required at his expense to connect the building directly with the proper public sewer in accordance with the provisions of this title, within ninety days after date of official notice to do so; provided that the public sewer is within three hundred feet of the nearest point of the building on the property. Where territory is annexed to the District, upon which existing improvements are located, and are served by a satisfactorily operating and maintained septic tank, the owner may continue to dispose of waste to said septic tank so long as it remains in operating condition to the satisfaction of the County Health Officer, or until any additional building or buildings or any division of the property is proposed at which time connection to the public sewer shall be required.

4.10.020 Prohibited waste disposal.

It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage or other objectionable waste.

4.10.030 Waste treatment required.

It is unlawful to discharge into any stream or watercourse any sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accord with provisions of this chapter.

4.10.040 Privies, cesspools and septic tanks prohibited.

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the storage or disposal of sewage.

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4.10.050 Occupancy of noncomplying premises prohibited.

No building or facility shall be occupied until the owner of the premises has complied with all rules and regulations of the District and applicable regulations of the County.

TITLE 4 — SEWER SERVICE SYSTEM

Chapter 4.15

USE OF PRIVATE SYSTEM

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4.15.010 Permitted private use.

Where a public sewer is not available under the provisions of Section 4.10.010, the building sewer shall be connected to a private sewage disposal system complying with the rules, regulations, and ordinances of the County.

4.15.020 Permit required.

Before commencement of construction of a private sewage disposal system, the owner of property on which the system is located shall first obtain a written permit signed by the County.

4.15.030 Inspection required.

A permit for a private sewage disposal system shall not take effect until all installation is completed to the satisfaction of the County. The County and District shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the County when the work is ready for final inspection, and before any underground portions are covered.

4.15.040 Design requirements.

The type, capacities, locations and layout of a private sewage disposal system shall comply with all recommendations of the State Water Resources Control Board and the health officer and building department of the County. No septic tank or cesspool shall be permitted to discharge to any stream or watercourse.

4.15.050 Availability of public sewer—Connection required.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 4.10.010, a direct connection shall be made to the public sewer in

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compliance with the ordinances, rules and regulations of the District, and any septic tanks, cess-pools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the County.

4.15.060 Maintenance—Owner’s responsibility.

The owner of property on which the system is located shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

4.15.070 Additional requirements.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the State Water Resources Control Board or the County.

TITLE 4 — SEWER SERVICE SYSTEM

Chapter 4.20

SEWER CONSTRUCTION AND CONNECTION REQUIREMENTS

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4.20.010 Building sewer construction—Permit required.

No person shall construct a building sewer, lateral sewer, or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required by this chapter. If work under a permit is not commenced within one hundred eighty days from the date of issuance or if, after partial completion, the work is discontinued for a period of three hundred sixty-five days, the permit shall be null and void and no further work shall be done until a new permit has been secured. A new fee shall be paid upon the issuance of the new permit. The District and its officers, agents and employees shall not be answerable for any liability, injury, or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall indemnify, defend and save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this chapter.

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Applicant and the owner of property on which the system is located shall each be jointly and severally liable for any and all defects in the performance of applicant's work or any failure which may develop therein.

4.20.020 Design and construction requirements.

Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the District and shall satisfy all requirements of the County. All construction shall be in accordance with the most recent District Standard Specifications.

4.20.030 Building sewer materials.

The building sewer shall be of materials approved by the current Uniform Plumbing Code and all joints shall be tight and waterproofed.

4.20.040 Building sewer regulations.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor or ground floor, whichever is lower. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building sewer shall be lifted by artificial means approved by the District, and discharged to the public sewer at the expense of the owner. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

4.20.050 Building sewer excavation and specifications.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the District. Pipe laying and backfill shall be performed in accordance with the District Standard Specifications and the requirements of the County and no backfill shall be placed until the work has been inspected by the District or the County. All backfill must be free from rocks and clods of dirt.

4.20.060 Separate side sewers required.

Except as hereinafter provided, every building fronting on the same street or easement requiring sewer service shall be separately and independently connected with the public sewer; provided, however that where two or more buildings are on the same parcel, belonging to one owner, and which cannot legally be subdivided, separate connections need not be made with the public sewer. Two separate owners of adjacent parcels shall not be permitted to join in the use of the same sewer lateral. Notwithstanding the provisions hereof, single-family residential units with common walls, condominium, townhouse, stock cooperative, community apartment or other similar improvements, including commercial condominiums or other similar units, which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and

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other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the District general manager, be permitted to maintain a common side sewer or sewers. Indemnification language approved by the District shall be included in the covenants, conditions and restrictions.

4.20.070 Use of old building sewers—Approval.

Old building sewers may be used in connection with new buildings only when the District determines they meet all requirements of the District.

4.20.080 Cleanouts.

Cleanouts in side sewers subject to the jurisdiction of the District shall be provided in accordance with the current Uniform Plumbing Code and the District Standard Specifications. Cleanouts shall be the same diameter as the building sewer and shall be maintained watertight in accordance with the regulations of the District.

4.20.100 Maintenance of side sewer.

Side sewers shall be maintained by the owner of the property served thereby.

4.20.110 Public sewer construction—Permit required.

No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and capacity charges and furnishing bonds as required therein. The provisions of this chapter requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

4.20.120 Application—Plans and specifications required.

- A. The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules, regulations, and Standard Specifications of District, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground.
- B. The application, together with the plans, profiles and specifications shall be examined by the District general manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After approval by the District general manager, the appropriate agreements shall be signed by the applicant and shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper, it shall sign the agreement and allow the issuance of a permit predicated upon the payment of all capacity charges, fees and the furnishing of bonds and deposits and two (2)

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complete signed sets of plans, profiles, and specifications as required by the District. The permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

- C. **Security Deposit Required.** Prior to the commencement of public sewer construction, the applicant shall file with the District a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions as set forth in the construction plans and specifications and a good and sufficient security for payment of labor and materials equal to the amount of the faithful performance bond to secure the claims.

Acceptable types of security are:

1. A bond by one or more duly authorized corporate sureties;
 2. A deposit with the District of cash in the form of a cashier's check or negotiable bonds of the kind approved for securing deposits of public moneys;
 3. An instrument of credit, in a form acceptable to the District's counsel, from an agency of the State, Federal, or local government when any such agency provides at least twenty percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to carry out the agreement are on deposit and guaranteed for payment; or
 4. A letter of credit, in a form acceptable to the District's counsel, issued by a financial institution subject to regulation by the state or federal government guaranteeing that all or any portion of the funds available pursuant to the letter of credit will be paid upon written demand of the District and that such written demand need not present documentation of any kind as a condition of payment, including proof of loss.
- D. **Security Deposit Reduction.** The general manager may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon request by the applicant. The amount of reduction of the security shall be determined by the general manager; however, in no event may the general manager authorize a release of the improvement security that would reduce the security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by the State Subdivision Map Act, this ordinance, or the Subdivision Agreement.
- E. **Maintenance Security.** Upon acceptance by the District's Board of the sanitary sewer or recycled water improvements, the developer shall provide security in the amount of 10% of the construction cost of the improvements to guarantee the improvements throughout the one-year warranty period. If no deficiencies are detected at the end of the one-year warranty period, the maintenance security will be released.

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4.20.130 Compliance required for approval of subdivision maps.

The requirements of Sections 4.20.110 and 4.20.120 shall be fully complied with before any final subdivision map shall be approved by the Board. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded, and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

4.20.140 Easements.

In the event an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the Board a proper easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection.

4.20.150 Authorized contractors—License required.

Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with public sewer construction.

4.20.160 Design and construction standards.

- A. Minimum standards for the design and construction of sewers within the District shall be in accordance with the applicable provisions of the ordinances, rules, and regulations and within the Specifications for Sewer Construction adopted by the District, copies of which are on file in the District office. The District may permit modifications or may require higher standards where unusual conditions are encountered.
- B. “As-built” drawings showing the actual location of all mains, structures, Ys, Ts, laterals and cleanouts shall be filed with the District before final acceptance of the work.

4.20.170 Grade stakes.

Grade and line stakes shall be set by a registered civil engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

4.20.180 Compliance with local regulations.

Any person constructing a sewer within a street shall comply with all State and County laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting

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and protecting of trenches, backfilling and repaving thereof, and shall obtain all permits and pay all fees required by the agency having jurisdiction prior to the issuance of a permit by the District.

4.20.190 Protection of excavation required.

The applicant shall maintain such barriers, lights, and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District, County, State, or any other person or organization having jurisdiction thereover.

4.20.200 Inspection prerequisite for connection.

All sewer construction work shall be inspected by the District to ensure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the District. If the test proves satisfactory, the District shall issue a certificate of satisfactory completion.

4.20.210 Ready to inspect notice—Permittee's responsibility.

It is the duty of the person doing the work authorized by permit to notify the office of the District in writing that the work is ready for inspection. Such notification shall be given not less than twenty-four hours before the work is to be inspected. It is the duty of the person doing the work to make sure the work will stand the tests required by the District before giving the above notification.

4.20.220 Failure to pass inspection.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the property on which the system is located, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

4.20.270 Construction costs—Owner's responsibility.

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner of the property on which the system is located. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

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4.20.280 Credit for construction of facilities by developers or owners.

The District may credit the cost of out-of-tract facilities (including engineering design fees) paid by a developer or owner against capacity charges, after certification as reasonable and proper by the District engineer.

If the cost of out-of-tract facilities approved as reasonable exceeds the required capacity charges, the District may enter into an agreement with a developer or owner to refund such excess from capacity charges paid and collected for a period not to exceed ten years from future connectors to such out-of-tract facility.

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Chapter 4.25

USE REGULATIONS

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4.25.010 Drainage into sanitary sewer prohibited.

No leaders from roofs and no surface drains for rainwater shall be connected to any sanitary sewer. No surface or subsurface drainage, rainwater, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

4.25.020 Draining swimming pools.

It is unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer, without first giving notice to and receiving written permission to do so from the District.

4.25.030 Prohibited wastes.

Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit;
- B. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;
- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not been properly shredded. Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension;

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- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- H. Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance; or
- J. Any septic tank sludge.

4.25.040 Interceptors required when.

Grease, oil and sand interceptors shall be provided when, in the opinion of the District general manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the general manager and shall be located as to be readily and easily accessible for cleaning and inspection.

4.25.050 Maintenance of interceptors.

All grease, oil and sand interceptors shall be maintained by the property owner, at his expense, in continuously efficient operation at all times.

4.25.060 Pretreatment required when.

- A. The admission into the public sewers of any waters or wastes having (a) a five-day biochemical oxygen demand greater than three hundred parts per million by weight, or (b) containing more than three hundred fifty parts per million by weight of suspended solids, or (c) containing any quantity of substance having the characteristics described in Section 4.25.030, or (d) having an average daily flow greater than two per cent of the average daily sewage flow of the District, shall be subject to the review and approval of the general manager. Where necessary in the opinion of the general manager, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred parts per million and the suspended solids to three hundred fifty parts per million by

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weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 4.25.030, or (c) control the quantities and rates of discharge of such waters or wastes.

- B. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District and of the State Regional Water Quality Control Board. No construction of such facilities shall commence until such approvals are obtained in writing.

4.25.070 Maintenance of pretreatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

4.25.080 Control manholes.

When required by the District, the owner of any property served by a side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

4.25.090 Measurements and tests.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 4.25.030 and 4.25.060 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 4.25.080 or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

4.25.100 Special agreements.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the District, the County, or any other public corporation or entity, whereby the District undertakes to provide for the construction, acceptance, maintenance or operation of facilities for the collection, pumping or other means of transmission of sewage from the public agencies pursuant to any appropriate legal authorization or pursuant to cooperation, joint powers, or other similar agreement. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by the District.

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4.25.110 Disposal of water softener wastes.

Except as authorized under this chapter, no person shall allow, permit or cause any water conditioning or softening device of any type to discharge its waste or waste products into the District's sewage system.

- A. It is unlawful for any person to install or cause to be installed a Self Regenerating Water Softening Appliance (SRWS) in any structure, whether fully constructed or not, located within the District's jurisdiction. For purposes of this chapter, the prohibition against installing a SRWS or causing a SRWS to be installed includes the replacement of an existing SRWS.
- B. Non-Residential Structures. All existing SRWS in non-residential structures shall be removed within 120 days of the effective date of this chapter.
- C. Inspection by District. The District may conduct inspections, at its discretion, for the purpose of ascertaining compliance with this chapter and causing to be corrected any conditions which would constitute any violation of this chapter or of any other statute, code, rule or regulation affecting the storage of hazardous materials.
 - 1. Right of Entry. Whenever necessary for the purpose of investigating or enforcing the provisions of this chapter, or whenever the District has reasonable cause to believe that there exists in any building or upon any premises, any condition which constitutes a violation of this chapter, the District may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of the respective officers by law; provided, that if such structure or premises be occupied, the officer shall first present proper credentials and request entry; and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.
 - 2. Inspections by District Discretionary. All inspections specified herein shall be at the discretion of the District and nothing in this chapter shall be construed as requiring the District to conduct any such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, nothing in this chapter shall be construed to hold the District or any officer, employee or representative of the District responsible for any damage to persons or property by reason of making an inadequate or negligent inspection or by reason of any failure to make an inspection or re-inspection.

4.25.120 Exceptions.

- A. This chapter does not apply to Water Softeners recharged by portable cartridges supplied by service providers where the brine solution resulting from a SRWS recharge is not discharged into the District's or the City's sewer system.
- B. Medical Exception. The General Manager shall have the authority to allow medical exceptions and may permit an individual SRWS provided that all of the following conditions are met:

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1. The current medical need for soft water is verified in writing by a physician; and
2. The resident has a financial hardship which in the opinion of the General Manager precludes using a canister softener service.

The General Manager shall have the authority to rescind medical exceptions if the District is in violation of State sodium, chloride, or total dissolved solids discharge limits and in the opinion of the General Manager it is essential that the medical exemption be terminated. Such termination shall become effective 60 days after written notice from the District to the subject resident. All decisions by the General Manager regarding medical exceptions may be appealed to the Board of Directors per Chapter 1.25.

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Chapter 4.30

CAPACITY, RATES, AND SERVICE CHARGES

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4.30.010 Capacity charge.

A capacity charge for the right of service in the existing, proposed, and pending wastewater treatment and distribution facilities of the District shall be paid to the District for all new wastewater connections and all wastewater connections increased in capacity within the boundary of the District. The wastewater capacity charge shall be determined by the Board of Directors and set forth by ordinance. The capacity charge for increased capacity shall be payable on the basis of the amount of increased sewer generation. The imposition of a capacity charge on any school District, county office of education, community college District, the California State University, the University of California, or state agency shall be subject to the requirements set forth in Section 54999.3 of the Government Code. If connection is not made to the District's wastewater system within 365 days from the date a capacity charge is paid after the effective date of this provision, the difference between the amount paid and the amount of the capacity charge in effect at the time of the connection shall be paid to the District.

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4.30.020 Adjustment of capacity charges.

The capacity charge stated in Section 4.30.010 shall be automatically adjusted each year on July 1st by an increment based on the change in the Engineering News Record Construction Cost Index for San Francisco over the prior year, using the index published for the first quarter of the calendar year, and rounded to the nearest twenty-five dollars.

4.30.030 Sewer service—Rate schedule.

- A. Sewer service charges are established by the Board from time to time and set forth by ordinance.
- B. The District shall have the option of charging any customer on the basis of volume of sewage discharged into the sewer system.
- C. The metered discharge from pumps having a final discharge into the sewer system shall be charged on the same basis as metered water furnished by the District.
- D. For any business or occupancy not specified in the sewer rate ordinance, the charge shall be in such amount as may be established by the District by ordinance.

4.30.040 Billing.

- A. The regular billing period will be annually, monthly, or bimonthly at the option of the District.
- B. Opening and closing bills for less than the normal billing period shall be prorated based on the number of days of actual service provided in the billing period, divided by the number of days in the billing period. Closing bills may be calculated by the billing department for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued, if requested.
- C. Bills for sewer service shall be rendered at the end of each billing period. Utility bills, including water charges, sewer charges, penalty charges, and miscellaneous fees, are due and payable at the office of the District upon presentation and become delinquent if not paid on or before the “Late After” date printed on the front of the Utility Service Bill, which is generally the twentieth day of the month.

4.30.050 Discontinuance for nonpayment.

Service may be discontinued to premises for which a bill has not been paid on or before the twentieth day of the month. The amount of the guarantee deposit held by the District to establish credit for that service will not be considered on past due balances while the service is an active account.

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4.30.060 Nonpayment—Penalty.

Rates and charges that are not paid on or before the twentieth day of the month, and for which there is a past-due balance of more than one dollar, shall be subject to a basic, one-time penalty of ten percent of the amount currently becoming delinquent plus a continuing penalty in the sum of one-half percent of the amount of continuing delinquency for each payment period the amount due continues to be unpaid.

4.30.070 Liens for delinquent bills.

In each case where any bill for sewer service remains delinquent for more than 180 days, the finance manager may prepare, execute and record a lien on the property upon which the delinquent sewer service charges were incurred. The Notice of Lien recorded by the District shall state the amount of unpaid charges and any penalties assessed thereon. A property owner subject to such lien may discharge it by paying all amounts due, after which the District shall record a Release of Lien. Liens recorded under this Code shall have the same force, effect, priority and duration as a judgment lien, and may be enforced at any time against the property owner by the District in the same manner as a judgment lien. If a liened property is sold, the escrow holder shall pay the lien out of escrow to the District from the property owner's proceeds, including the property lien filing fee established by Section 4.30.110.

4.30.080 Administrative collection fee.

An administrative collection fee, as established by the board and updated from time to time by resolution, will be charged for each shutoff notice mailed or each door hanger delivered during the collection cycle.

4.30.090 Call-out fee.

A call-out fee, as established by the Board and updated from time to time by resolution, shall be charged to any customer for whom sewer service is reconnected after 3:00 p.m. on normal business days, during holidays, or weekends at the customer's request.

4.30.100 Returned check fee.

A returned check fee, as established by the Board and updated from time to time by resolution, shall be charged to a customer for each check from that customer returned by the bank as uncollected for any reason. Collection efforts will resume at the point before the payment was posted to the account and could result in immediate termination of service.

4.30.110 Property lien filing fee.

A property lien filing fee, as established by the Board and updated from time to time by resolution, shall be charged to a customer each time the District files a lien for money due on a delinquent account for that customer.

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4.30.120 Collection with other utility charges—Delinquency.

- A. Where the person charged is a user of another utility owned and operated by the District, the charges shall be collected together with and not separately from the charges for the other utility service rendered by it. They shall be billed upon the same bill and collected as one item.
- B. Upon delinquency, the other utility service shall be discontinued until full payment of the dual charges and penalties thereon and the charges for re-continuance of service.
- C. The time for the discontinuance of such other service shall not exceed forty-five days from the date the sewer charges are provided to become delinquent.

4.30.130 Collection on tax roll—When.

Per Health and Safety Code §5471(a), the District may, by ordinance approved by two-thirds vote of the members of the Board, elect to have sewer service charges for the forthcoming fiscal year collected on the tax roll on which its general taxes are collected, in the same manner, by the same persons, and at the same time, together with and not separately from, its general taxes.

4.30.140 Collection on tax roll—Delinquent charges.

Per Water Code §31701.5, the District may, by ordinance, elect to have delinquent charges only collected on the tax roll on which its general taxes are collected, in the same manner by the same persons, and at the same time as, together with and not separately from its general taxes.

4.30.150 Collection on tax roll—State statutes applicable.

The provisions of Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code, as now or hereafter amended, as to collection of fees, charges and interest on the tax roll shall apply.

4.30.160 Collection on tax roll—Lien against land.

Following the preparing and filing of a written report, where required, the giving of notice of such report or of such schedule of fees and charges and the hearing thereon, the amounts of such fees, charges and interest shall constitute a lien against the lot or parcel of land against which levied or imposed as of noon of the first Monday in March immediately preceding the date of levy or entry.

4.30.170 Disconnection—Deposit required for reconnection.

Premises as to which charges have become delinquent may be disconnected. A reconnection charge, as established by the Board and updated from time to time by resolution, plus penalties, shall be charged and collected prior to reconnection of the sewer service. Following payment of the reconnection charge, service will be restored between 8:00 am and 3:00 pm Monday through Friday, except holidays. The charges will be in addition to any amount required for re-establishment of credit in accordance with Section 3.10.050.

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4.30.180 Nonconnection—Occupancy prohibited.

During the period of nonconnection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by human beings. In such event, a reasonable attorney's fee shall become due as a penalty for nonpayment.

4.30.190 Collection—By suit.

- A. All unpaid rates and charges and penalties provided in this chapter may be collected by suit.
- B. Defendant shall pay all costs of suit and attorney's fees needed to obtain any judgment rendered in favor of the District.

4.30.200 Collection—Power of District.

The Board declares that the procedures established in this chapter for the collection of sewer service charges are alternative, and in addition to the provisions contained in this chapter, the District shall have the power to collect charges against properties which would otherwise escape payment of such charges by virtue of connection to the District facilities during the course of a fiscal year or by virtue of the fact that the properties do not appear on the tax roll of the County. The District may utilize any of the procedures contained in this chapter or authorized by law to collect such charges.

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Chapter 4.40

ENFORCEMENT

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4.40.010 Compliance mandatory.

It shall be unlawful for any person to connect to, construct, install, or provide, maintain, and use any other means of sewage disposal from any building or structure in the District except by connection to the public sewer in the manner as in this title provided.

4.40.020 Permits and fees required for all work.

No public sewer, side sewer, plumbing system, or other sewerage facilities shall be installed, altered, or repaired within the District until a permit for the work has been obtained from the District and all fees have been paid in accordance with the requirements of Chapter 4.30 of this title.

4.40.030 Inspection—Right-of-entry.

- A. Whenever any officer or employee of the District is authorized to enter any building or premises for the purpose to inspect or enforce any ordinance, he may enter such building or premises at all reasonable times to inspect the same; provided, that he shall effect entry in the manner provided in subsection B of this section, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained.
- B. If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to

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secure entry and if necessary shall obtain a civil inspection warrant in accord with Code of Civil Procedure Section 1822.50, et seq.

4.40.040 Defacement of District property prohibited.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the District's sewage works. Any person violating this section shall be subject to the penalties provided by law.

4.40.050 Violation—Notice.

Any person found to violate any provision of this chapter or any other ordinance, rule, or regulation of the District, except Section 4.40.040, shall be served by the District or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this chapter or any other ordinance, rule, or regulation of the District. Upon being notified by the District of any defect arising in any sewer or of any violation of this chapter, the person having charge of the work shall immediately correct the same.

4.40.060 Use of facility in violation prohibited.

Continued habitation of any building or continued operation of any industrial facility in violation of this chapter or any other ordinance, rule, or regulation of the District is declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

4.40.070 Violation—Sewer disconnection.

As an alternative method of enforcing the provisions of this title or any other ordinance, rule, or regulation of the District, the District shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection, the District shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection, and reconnection before such user is reconnected to the system. The District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

4.40.080 Use of nonconnected building prohibited—Abatement.

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the

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abatement of the occupancy of the premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and the cost of suit arising in the action.

4.40.090 Violation—Water discontinuance.

The District may cause District water service to the premises to be discontinued during the period of violation.

4.40.100 Violation—Liability for expense incurred.

Any person violating any of the provisions of the ordinances, rules, or regulations of the District shall become liable to the District for any expense, loss, or damage occasioned by reason of such violation, including costs of suit and attorney's fees.

4.40.110 Provisions for enforcement not penalty.

The District declares that the procedures set out in this chapter are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations, and not as a penalty.