

ORDINANCE NO. 375

**AN ORDINANCE OF THE EAST VALLEY WATER DISTRICT RESCINDING
ORDINANCE NO. 358 ENTITLED "AN ORDINANCE ESTABLISHING RULES AND
REGULATIONS FOR WATER SERVICE, ESTABLISHING A WATER
DEPARTMENT, PROVIDING FOR INSTALLATION AND CONNECTION TO
DISTRICT WATER MAINS, REGULATING CROSS CONNECTION CONTROL".**

Be it ordained by the Board of Directors of the East Valley Water District, that Ordinance
No. 358 is amended as follows:

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SECTION 2. GENERAL PROVISIONS

2.01 Short Title - This Ordinance may be cited as the "East Valley Water District Water Regulations and Service Ordinance".

2.02 Purpose - This Ordinance is intended to provide rules and regulations applicable to the administration and operational activities of the District. This Ordinance may be amended from time to time by action of the Board of Directors of the East Valley Water District.

2.03 Enabling Statutes - This Ordinance is adopted pursuant to the applicable provisions of Division 12 of the Water Code and Division 5, Chapter 7, Title 5, Division 2 of the Government Code, and further pursuant to the Constitution of the State of California. The District is further authorized by Water Code Section 31027 to prescribe and define by Ordinance those restrictions, prohibitions and exclusions it may determine to be necessary pursuant to the California Constitution Article X, Section 2 and Water Code Sections 31026 and 350 et seq. to restrict the use of District water during threatened or existing water shortages. It is therefore the intent of the Board of Directors to establish by this Ordinance those procedures and policies necessary to the orderly administration of a water conservation program to prohibit waste and to restrict the use of water during a water shortage or emergency.

2.04 Application - This Ordinance shall apply to all water facilities constructed, maintained, and operated by the District.

2.05 Enterprise - The District will furnish and/or make available, a system, plant, works, and undertaking used for and useful in, the delivery of water for the District's service area, including all annexations thereto, lands, easements, rights in land, contract rights and franchises.

2.06 Separability - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or circumstances are for any reason held to be unconstitutional or invalid by any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The governing body hereby declares that it would have passed this Ordinance or any section, sub-section, sentence, clause or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

2.07 Words and Phrases - For the purpose of this Ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

2.08 Posting - Upon adoption, this Ordinance shall be entered in the minutes of the governing body and certified copies hereof shall be posted in three (3) public places and/or published in a newspaper of general circulation in the District service area within ten (10) days following its passage.

2.09 Means of Enforcement - The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations and not as a penalty.

2.10 Notices - Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made either by personal delivery thereof to the person to be notified or by deposit in the U.S. mail in a sealed envelope, postage prepaid, addressed to such person at his last known business or residence address as the name appears in public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any person over the age of eighteen years,

which shows service in conformity with the Ordinance or other provisions of law applicable to the subject matter concerned.

2.11 Effect of Heading - The title, division or section headings contained in this Ordinance shall not be deemed to govern, limit or modify in any manner the scope, meaning or intent of any section or subsection of this Ordinance.

SECTION 3. DEFINITIONS

3.01 Applicant - The person making application hereunder who must be either (a) the owner of the subject premises, (b) the agent or customer authorized in writing to make application hereunder on behalf of the owner of the subject premises or, (c) a licensed plumber or contractor authorized in writing to make application hereunder for the subject premises.

3.02 Approved Backflow Prevention Assembly – A device deterring the reversal of flow of water or mixtures of water and other liquids, gasses, and/or other substances into the distribution pipes of the District’s potable supply of water through any Cross-Connection. Said device must have been investigated and approved for use as either an Air-gap separation, Double Check Valve Assembly, or Reduced Pressure Principle Backflow Prevention Device by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, or by any other laboratory having equivalent capabilities for both the laboratory evaluation and field evaluation thereof.

3.03 Board - The Board of Directors of the East Valley Water District.

3.04 Commercial – Any service not covered by the residential description. This shall include, but not be limited to, apartments, trailer parks, schools, dry cleaners, laundries and businesses

3.05 Connection - The pipeline and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from the main to the premises, the laying thereof and the tapping of the main. Where services are divided at

the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

3.06 Cost - The cost of labor, materials, transportation, supervision, engineering, and all other necessary overhead expenses.

3.07 County - The County of San Bernardino, California.

3.08 Cross Connection - An unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved a safe, wholesome and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

3.09 Customer - Any person (as defined) supplied or entitled to be supplied with water service by the District.

3.10 Customer's Service Valve - A valve independent of the District's facilities located in the customer's piping as close to the meter as practicable, the operation of which will control the entire water supply from the meter.

3.11 District - The East Valley Water District, San Bernardino County, California.

3.12 District Engineer - A Registered Civil Engineer of the State of California.

3.13 Engineering Services - The engineering services provided by the District to include technical and procedural guidance, professional consultant services, project coordination and plan checking.

3.14 Financial Officer - The Treasurer appointed by the Board of Directors.

3.15 Fire Hydrant - Short Side: The case where the water main and the hydrant are on the same side of the street's centerline. **Long Side:** The case where the water main and the hydrant are on the opposite sides of the street's centerline.

3.16 General Manager - The General Manager of the District.

3.17 Governing Body - The Board of Directors of the East Valley Water District.

3.18 Inspector - The person who shall perform the work of inspecting water facilities under the jurisdiction or control of the District.

3.19 Main - A water line in a street, highway, alley or easement used for public and private fire protection and for the general distribution of water.

3.20 Owner - The person owning in fee title, or in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself or, as executor, administrator, guardian or trustee of the owner.

3.21 Permit - Any written authorization required pursuant to this or any other regulation of the District.

3.22 Person - Any human being, individual, firm, company, partnership, association and private, public or municipal corporation, the United States of America, the State of California, a district and any political subdivision, or governmental agency.

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

3.24 Private Fire Protection Service - Water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefor.

3.25 Public Fire Protection Service - The service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants

affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

3.26 Regular Water Service - Water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefor.

3.27 Residential - Any single, duplex or triplex family unit not requiring licensing for occupancy and operation.

3.28 Secretary - The Secretary to the Governing Body.

3.29 Temporary Water Service - Water service and facilities rendered for construction work and other uses of limited duration, and the water available therefor.

3.30 Waste - Any unreasonable method or non-beneficial use of water, including, but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.

3.31 Water Department - The Board of Directors of the District performing functions related to the District's water service, together with the General Manager, the District Engineer, the Financial Officer and any other duly authorized representative.

3.32 Water Supply Shortage - Any water shortage caused by drought or any other threatened or existing water shortage, disaster or facility failure, earthquake, loss of electrical power, pipeline breakage, or other condition which results in or threatens to result in the District's inability to meet the water demands of its customers.

3.33 Water User - Any person, firm, partnership, association, corporation or political entity using water obtained from the water system of the District.

3.34 Water - That water supplied by the East Valley Water District.

SECTION 4. WATER DEPARTMENT

4.01 Creation - A Water Department is hereby created comprised of the Directors, the General Manager, the Financial Officer and District Engineer and such other employees and assistants as may be hired therefor.

4.02 General Manager - The General Manager, as provided for in the Water Code Section 30580, shall have full charge and control of the maintenance, operation and construction of the water works and water distribution system of the District.

4.03 District Engineer - The position of District Engineer is hereby created. The District Engineer shall regularly inspect all physical facilities related to the District water system, to see that they are in good repair and proper working order, and to note and report violations of any ordinances or water regulations.

4.04 Violation, Repairs - The District Engineer shall 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 necessary to maintain service to the consumers pending action by the General Manager.

4.05 Supervision - The District Engineer shall supervise all repair or construction work authorized by the Board or General Manager and perform any other duties prescribed by the Board or General Manager.

4.06 Performance of Duties - The foregoing duties of the District Engineer may be performed by the General Manager or by an additional employee or employees as designated by the District Engineer and/or General Manager.

4.07 The Financial Officer - The Financial Officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the District. Furthermore the Financial Officer shall compute, prepare and mail bills as hereinafter prescribed, make and deposit collections, maintain proper books of account, collect, account for, refund deposits, and do whatever else is necessary or directed by the General Manager to set up and maintain an efficient and economical accounting system and perform any other duties now and hereafter prescribed by the Board of Directors.

SECTION 5. GENERAL RULES

5.01 Standards - The Governing Body may, from time to time, adopt standard requirements for the design, construction, repair and maintenance, or connection to the District's water system.

5.02 Violation Unlawful - Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install, provide, maintain or use any other means of water facilities from any building in the area serviced with water by said District except by connection to water facilities in the manner as provided for in this Ordinance. Any violation of this Ordinance will be subject to the provisions of this Section at the discretion of the General Manager, Financial Officer, or District Engineer.

5.03 Notice - Wherever, and whenever, practicable under the particular circumstances of the situation, and pursuant to the discretion of the General Manager, Financial Officer, or District Engineer, any person found to be violating any provisions of this or any other ordinance, resolution, rule or regulation of the District shall be served by the Inspector or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said 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 Ordinance or any other rule or regulation of the District.

5.04 Protection from Damage - No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the District's water works. Any person violating this provision shall be subject to the penalties provided by law.

5.05 Investigation Powers - The officers, inspectors, managers, and any duly authorized employees or agents of the District shall carry evidence establishing their

position as an authorized representative of the District and, upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings, industrial facilities and properties to which the District is furnishing water, or has been requested to furnish water for the purpose of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, resolutions, rules and regulations of the District pursuant to the authorization contained in the required application for water service.

5.06 Noncompliance with Regulations - As an alternative method of enforcing the provisions of this or any ordinance, resolution, rule or regulation of the District, the District shall have the power to disconnect the user or subdivision water service from the water mains of the District.

5.07 Liability for Violation - 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 the District by reason of such violation.

5.08 Relief on Application - When any person, by reason of special circumstances, is of the opinion that any provision of the ordinances, rules or regulations of the District is unjust or inequitable as applied to his/her premises, that person may make written application to the Governing Body stating the special circumstances, citing the provision complained of and requesting suspension or modification of that provision as applied to his/her premises. If such application is approved, the Governing Body may, by resolution, suspend or modify the provision complained of, as applied to such person or premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

5.09 Relief on Own Motion - The Governing Body may, on its own motion, find that by reason of special circumstances, any provisions of its ordinances, rules or regulations should be suspended or modified as applied to a particular person or

premises and may, by resolution, order such suspension or modification for such premise or person during the period of such special circumstances or any part thereof.

5.10 Maintenance of Water Pressure and Pressure Conditions - The Board shall not accept any responsibility for the maintenance of pressure and it reserves the right to discontinue service while making emergency repairs, or other work required on the water system as determined by the General Manager and/or the District Engineer. Consumers dependent upon a continuous supply of water should provide emergency storage. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions of service.

5.11 Tampering with District Property - Except as otherwise specifically authorized by the General Manager, no one, except an employee or representative of the District shall at any time, in any manner, operate the curb cocks or valves, 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.

5.12 Remedies for Violation - Failure of a customer to comply with any part of this Ordinance, or any other ordinance, resolution, rule, or regulation of the District, shall result in the District's discontinuance and/or refusal to provide water service to said customer's premises and in the exercise by the District in its lawful discretion of any and all other rights and remedies that are available to the District under the law.

5.13 Water System - The District will furnish a system, plant, works and undertakings used for and useful in obtaining, conserving and disposing of water for public and private uses, including all parts of the Enterprise, all appurtenances to it, lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

5.14 Number of Services per Premises - The applicant may apply for as many services as may be reasonably required for their premises provided that the pipeline system for each service be independent of the others and that they not be interconnected.

5.15 Water Waste - No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the District may discontinue the service if such conditions are not corrected after giving notice of violation as provided in Section 5.03 herein.

5.16 Responsibility for Equipment on Customer Premises - All facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired or replaced by the Water Department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities.

5.17 Damage to Water Facilities - The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises 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 District shall be promptly reimbursed for any such damage upon presentation of a bill to the customer.

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

5.19 Control Valve on Customer Property - The customer shall provide a valve on his/her side of the service installation as close to the meter location as practicable to control the flow of water to the piping on his/her premises. The customer shall not use the service curb stop to turn water on and off for his/her convenience.

5.20 Unsafe Apparatus - Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

5.21 Cross Connections - Water service may be refused or discontinued to any premises where there exists a cross connection as defined in Section 9 of this Ordinance.

5.22 Fraud or Abuse - Service may be discontinued, if necessary, to protect the District against fraud or abuse.

5.23 Interruption in Service - The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Water Department.

5.24 Ingress and Egress - All duly authorized employees, agents, and representatives of the District shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

5.25 Installation of Services - Only duly authorized employees, agents, and representatives of the District shall install service connections to the District's water system. All service connections shall comply with the specifications of the District. Meters will be installed in the public right of way, or within an acceptable easement, and shall be owned by the District. No rent or other charge will be paid by the District for a meter or other facilities, including connections. 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 the District's authorized employees or agents.

5.26 Change in Location of Meters - Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at District expense.

5.27 Size and Location - 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. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys or easements or to extensions thereof as herein provided. Services installed in new subdivisions prior to the construction of streets, in advance of street improvements, must be accepted by the applicant in the installed location.

5.28 Curb Cock - Each service connection installed by the District shall be equipped with a curb cock, or wheel valve, on the inlet side of the meter. Such valve, or curb cock, is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb cock, or wheel valve, is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.

5.29 Access to Meters - The District reserves the right to enter upon the applicant's premises for the purpose of reading, repairing or replacing the water service meter. The applicant shall be solely responsible for the control of all animals which may pose a potential threat to District employees and shall be liable for any injury to District employees resulting from unrestrained animals. Should an applicant for new service fail to properly restrain animals present on his property, the District may, upon written notice, refuse to install or turn on service until such time as the District determines that a threat to its employees no longer exists. When there is an ostensive risk to employees at an established service due to the presence of unrestrained animal(s) or other hazard(s), the employee will not be required to read the meter, etc. The customer will be notified of the situation and the bill will be estimated based upon an average of the

most recently recorded six (6) month's consumption until a personal risk by the District's employee is no longer an issue. Upon verification that the premises no longer appears to be a threat to the safety of the employee, the meter will be read in the presence of the customer, or someone of his/her choosing, and the billing will be adjusted accordingly.

SECTION 6. APPLICATION FOR WATER SERVICE

6.01 Application for Water Service - The property owner or his/her agent designated in writing shall make application for regular water service by personally signing an Application for Water Service form provided by the District and pay the necessary fee for connection to the District's facilities as prescribed in the latest Resolution on Fees adopted by the Board of Directors.

6.02 Water Service to Customers other than Property Owners - Water Service to other than property owners shall be made as follows:

6.02.01 Property Owner's Signature - If the Property owner rents the premises to a tenant, the tenant may have water service and other services instituted in the tenant's name, provided that reasonable efforts are made to secure the property owner's signature on the application for service and the tenant provides the District with a copy of the rental agreement. In any event, the tenant must provide the District with the property owner's name, mailing address and telephone number.

6.02.02 Owner Responsibility - Whether or not a property owner signs the District's application for water service form, the property owner is not relieved of his or her responsibility for unpaid water charges for the subject property as provided in this ordinance and pursuant to California Water Code Section 31701.5, et..seq.

6.03 Payment of Delinquent Charges - As a precondition to receiving water

service from the District, the applicant for service shall pay any and all unpaid charges that have accrued on any closed accounts previously held by the applicant with the District as well as pay any and all delinquent charges that have accrued on any open accounts currently held by the applicant with the District.

6.04 Security Deposit - A security deposit for each single family residential unit, commercial or retail unit, or multi-unit complex shall be deposited at the time application for water service is made. The District may, at its sole election, include the required security deposit on the customer's first billing invoice.

6.04.01 Single Family Residential - A security deposit for a single family residential unit may not be required if the person requesting service is a new residential applicant who is determined by the District to be creditworthy. The determination of an applicant's creditworthiness shall be based solely upon criteria developed by the District and may be appealed in the manner set forth in Section 11 herein. However, during the life of the account, the District may, in its sole discretion, require any customer, regardless of whether he or she was previously found to be creditworthy, to post a full security deposit with the District any time there are three (3) delinquencies within any consecutive six (6) month period, or as a precondition to reinstatement of service anytime after being locked off for nonpayment.

6.04.02 Security Deposit Refund - Refunds of security deposits will be performed in the manner set forth below. Such refunds will be credited to any account held by the customer with the District in lieu of a refund check. Interest on the security deposits shall remain the sole property of the District and will not be included in any refund.

6.04.02.01 Single Family Residential - The District shall refund each security deposit to a residential customer as follows:

- a. Where funds have been on deposit for one year in a customer's

account and there have been no delinquency payments on any of the customer's accounts with the District during that year. However, the District may, at its sole option, require any customer to post a full security deposit with the District any time there are three (3) delinquencies within any consecutive six (6) month period, or as a precondition to reinstatement of service anytime after being locked off for nonpayment.

b. Within thirty (30) days after the applicant provides written notice to terminate water services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum, if any, is refunded to the customer.

6.04.02.02 Commercial, Retail or Industrial - The District shall refund the security deposit for commercial, retail or industrial connections as follows:

a. Where funds have been on deposit for one year in a customer's account and there has been no delinquency payment on any of the customer's accounts with the District during that year and upon the customer's request, one-half of the deposit will be refunded to the customer by means of a credit on the account. However, if the customer is delinquent on any payment thereafter, the District may, at its sole option, charge back the credited amount.

b. Within thirty (30) days after the applicant provides written notice to terminate water services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum is refunded to the customer.

6.05 Change in Customer's Equipment - Customers who make any material change in the size, character of, extent of the equipment or operations utilizing water service, or whose change in operations results in a significant increase in the use of

water shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.

6.06 Domestic, Commercial and Industrial Service Connections - It shall be unlawful to maintain a connection excepting in conformity with the following:

6.06.01 Multiple Building - Multiple house or buildings under one ownership and on the same lot or parcel of land may be supplied through the same service connection, provided that the service connection shall be of such size to adequately serve said houses or buildings.

6.06.02 Single Service Connection - Not more than one service connection for domestic or commercial supply shall be installed for one building, except when authorized by the District.

6.06.03 Separate Service Connection - A service connection shall not be used to supply any adjoining property, or property across a street, alley or easement. Each service connection shall serve only one property or individual parcel.

6.06.04 Divided Property - When property provided with a service connection is divided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

6.07 Service Connection Maintenance - The service connection extending from the water main to the meter, meter box and curb cock or wheel valve, shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter box shall be installed and maintained by the owner of the property.

6.08 Damage through Leaking Pipes and Fixtures - When requested to turn on a water supply to a house or property, the District will make a reasonable attempt to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock or the private shutoff. The District's jurisdiction and responsibility ends at the customer's side of the meter box and

the Board will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes beyond the meter box.

6.09 Damage to Meters - The District reserves the right to set and maintain a meter on any service connection. The water customer shall be held liable for any damage to the meter due to his negligence or carelessness.

6.10 Main Extension Required - The District may provide for all main extensions upon application for service and payment of required charges. Customer may elect to extend mains according to agreements between the customer and the District providing the work meets District standards.

6.10.01 Application - Any owner of one or more lots, parcels, or a subdivider of a tract of land desiring the extension of one or more water mains to serve such property, shall make written application therefor to the District. Said application shall contain the legal description of the property to be served, tract number, and any additional information which may be required by the District, and shall be accompanied by a map showing the location of the proposed connections.

6.10.02 Investigation - Upon receipt of the application requesting the District to install facilities, the District shall make an investigation and survey of the proposed extension and estimate the cost thereof.

6.10.03 Dead-end Lines - No dead-end lines shall be permitted, except at the discretion of the General Manager, and in cases where circulation lines are necessary they shall be designed and installed by the District as part of the main extension.

6.10.04 Specifications and Construction - The size, type and quality of materials and location of the lines shall be specified and approved by the District.

6.10.05 Property of District - Upon completion of such installation as approved by the District, the facilities shall be dedicated to and become property of the District.

6.10.06 Connections - The applicant shall, at his cost, provide all connections to buildings and private water systems, as herein provided.

SECTION 7. TEMPORARY SERVICE

7.01 Duration of Service - Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the General Manager, Financial Officer, or District Engineer.

7.02 Security Deposit - The applicant shall deposit, in advance, the estimated cost of the temporary service. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit.

7.03 Installation and Operation - All facilities for the temporary service to the customer shall be made and operated in accordance with District instructions. The District may, at its discretion, restrict or terminate the service at any time.

7.04 Responsibility for Meters and Installations - The customer shall use all possible care to prevent damage to the meter, or to any other loaned facilities of the District, which are involved in furnishing the temporary service from the time they are installed until they are removed. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer. The customer shall give notice to the District in writing at least forty eight (48) hours prior to the time the customer or other person is through with the meter, or meters, and the installation.

7.05 Supply from Fire Hydrant - An applicant for temporary use of water from a fire hydrant must apply for a temporary water service and pay a hydrant meter deposit. The applicant shall also pay for water used in accordance with the meter readings, at the rates prescribed by the Board.

7.06 Unauthorized Use of Hydrants - Tampering with any fire hydrant for the unauthorized use of water therefrom or for any other purpose is subject to a fine, per occurrence, as may be set by the Board.

7.07 Meter Availability - As prescribed by the District, the applicant shall make the hydrant meter available for reading on a monthly basis for actual water usage. If the hydrant meter is not available for the monthly reading as prescribed by the District, a supplementary fee of \$100 will be charged for each month the meter is not read to cover the expense required for corrections to billing records.

7.08 Pools and Tanks - When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced thereby.

7.09 Responsibility for Equipment - 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 utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by faucets, valves and other equipment which are open when water is turned on at the meter, either originally or after a temporary shutdown.

SECTION 8. FIRE PROTECTION

8.01 Public Fire Protection - The following pertains to the use of District facilities for public fire protection:

8.01.01 Use of Fire Hydrants - Fire Hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must obtain prior written permission from the Water Department and shall operate the hydrant in accordance

with instructions issued by the Water Department. Unauthorized use of hydrants will be prosecuted according to law.

8.01.02 Moving of 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, they shall bear all costs of such changes without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

8.02 Private Fire Protection Service - The following pertains to the use of District facilities for private fire protection systems:

8.02.01 Payment of Cost - The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the service location including the cost of a detector check meter or other suitable and equivalent device, valve and meter box, said installation will become the property of the District.

8.02.02 No Connection to Other Systems - Unless authorized and under special circumstances, there shall be no connection between the fire protection system and any other water distribution system on the premises.

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

8.02.04 Charges for Water Used - Any consumption recorded on the meter will be charged as provided in District Resolutions, except that no charge will be made for water used to extinguish fires reported to the fire department.

8.02.05 Monthly Rates - The monthly rates for private fire protection shall be established by Resolution of the Board of Directors.

8.02.06 Water for Fire Storage Tanks - Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured in advance from the District and an approved means of measurement is available.

8.02.07 Violation of Agreement - If water is used from a private fire service in violation of the agreement or this Ordinance, the District may, at its option, discontinue and remove the service.

8.02.08 Valve - When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.

8.02.09 Meter - If the District does not require a meter, and if water is used through a fire service connection for any other purpose than extinguishing fires, the District shall have the right to place a meter on the fire service connection at the owners expense and assess the appropriate capacity fees, or shut off the entire water supply from such premises.

8.02.10 Additional Service - The District shall have the right to take a domestic, 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. The Board shall also have the right to determine the proportion of the installation costs properly chargeable to each service connection, if such segregation of costs shall become necessary.

8.02.11 Check Valve - The Board reserves the right 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 by-pass meter at the expense of the owner of the property.

SECTION 9. CROSS CONNECTION CONTROL

9.01 Purpose - The purpose and intent of this Section:

a. To comply with the requirements imposed upon the District pursuant to Sections 7583-7605 of the California Code of Regulations ("Title 17") and all other applicable regulations regarding Cross-Connection Control.

b. To protect the public potable water supply of this District from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s), or the customer's private water system(s), such contaminants or pollutants which could backflow into the District's public water system(s); and

c. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's potable water system(s) and non-potable water system(s), plumbing fixtures and industrial systems; and

d. To provide for the maintenance of a continuing Cross-Connection Control Program which will systematically and effectively minimize the potential for contamination or pollution of the potable water system.

9.02 Application - The provisions of Title 17 and all other regulations regarding Cross-Connections that are adopted by the State of California Department of Health Services pursuant to California Water Code Sections 100205, 100275, and 116375(c), all as the same may be amended from time to time, are hereby adopted by the District, incorporated herein by this reference, and made a part hereof as though set forth in full.

9.03 Definitions - In addition to the definitions in Title 17, the following terms are defined for the purpose of this chapter:

9.03.01 Approved Water Supply - The term "Approved Water Supply" shall mean a water supply whose potability is regulated by the Department of Health Services.

9.03.02 Auxiliary Water Supply - Any water supply, other than the District's, which is either on or available to the property will be considered as an auxiliary water supply. These auxiliary waters may include water from another public potable water supply or from any natural source(s) such as a well, river, stream or used water. These waters may be contaminated, polluted or constitute an unacceptable water source over which the District does not have sanitary control.

9.03.03 Backflow - The term “backflow” shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gasses or substances into the distribution pipes of the District’s potable supply of water from any source or sources.

9.03.04 Backpressure - The term “backpressure” shall mean any elevation of pressure in the downstream piping system above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

9.03.05 Backsiphonage - The term “backsiphonage” shall mean a form of backflow due to a reduction in system pressure which causes a sub-atmospheric pressure to exist at a point in the water system.

9.03.06 Backflow Preventer - An assembly or means designed to prevent a reverse flow condition created by a difference in water pressures.

9.03.07 Backflow Prevention Devices – The actual types of devices that may be required and are acceptable for use in the District are as follows:

a. **Air Gap** - The term “Air Gap” shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.

b. **Reduced Pressure Principle Backflow Prevention(RPP) Assembly**
The term “RPP Assembly” shall mean an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically

independent, pressure differential relief valve located between the check valves. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly.

c. **Double Check Valve Backflow Prevention (DC) Assembly** – The term “DC Assembly” shall mean an assembly composed of two independently acting approved check valves including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

9.03.08 Contamination - The term “contamination” shall mean an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by bacteria, virus, sewage, industrial fluids, or other toxic substances.

9.03.09 Cross-Connections, Controlled - A connection between a potable and non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the proper protection.

9.03.10 Cross-Connection Control by Containment - The term “cross-connection control by containment (service protection)” shall mean the appropriate type or method of backflow protection at the service connection.

9.03.11 Degree of Hazard - The term “degree of hazard” shall mean either a contamination (health), plumbing, pollutional (non-health) or system hazard. Listed in order of severity, each is defined as follows:

a. **Health Hazard** - The term “health hazard” shall mean an actual or potential threat of contamination of a physical or toxic nature to the District’s water system or the consumer’s potable water system that would be a danger to health.

b. **Plumbing Hazard** - The term “plumbing hazard” shall mean an internal or plumbing type cross-connection in a consumer’s potable water system that may be either a pollutional or contamination type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash basins, swimming pool

plumbing systems, and lawn sprinkler systems. If permitted to exist, “plumbing hazard” must be properly protected by an appropriate type of backflow prevention assembly.

c. Pollutional Hazard - The term “pollutional hazard” shall mean the actual, or potential, threat to the physical properties of the water system or the potability of the system but which would not constitute a health or system hazard, as defined. The potable water system would be degraded, depending on the degree or intensity of pollution, to the point where it becomes a nuisance, aesthetically objectionable, or cause minor damage to the system or its appurtenances.

d. System Hazard - The term “system hazard” shall mean an actual, or potential, threat of severe danger to the physical properties of the District’s or consumer’s potable water system which could have a delayed effect on the quality of the potable water in the system.

9.03.12 Industrial Fluids - The term “industrial fluids” shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional, or plumbing hazard if introduced into an approved water supply system

9.03.13 Pollution - The term “pollution” shall mean an impairment of the quality of the water to a degree which does not create a hazard to the public’s health, but which does adversely affect the aesthetic qualities of such waters for domestic work.

9.03.14 Potential – The term “potential” shall mean something perceived that can develop into or become actual.

9.03.15 Service Connection - The term “service connection” shall mean the downstream end of the water meter. This is the point of delivery to the customer’s water system where the District loses jurisdiction and sanitary control of the water.

9.03.16 Water, Potable - The term “potable water” shall mean any public/private water supply that has been investigated and approved for human consumption.

9.03.17 Water, Non-Potable - The term “non potable water” shall mean a water supply that has not been approved for human consumption.

9.03.18 Water, Used - The term “used water” shall mean any water supplied by the District from a public potable water system to a customer’s water system after it has passed through the service connection and is no longer under the control of the District.

9.04 Determination. The District shall conduct surveys to identify Water User Premises where Cross-Connections are likely to occur and evaluate the degree to potential health hazard to the Water which may be created as a result of conditions existing on a Water User's Premises. At a minimum, the evaluation shall consider the factors identified in Section 7585 of the California Code of Regulations. However, notwithstanding anything herein to the contrary, the District shall not be legally responsible for the abatement of any Cross-Connection which may be found to exist within a Water User's Premises.

9.05 Notice. Upon determination by the District that a Cross-Connection exists within the scope of this Section, the District shall give written notice to the affected Customer to install an Approved Backflow Prevention Assembly of a type and quality, and at a specific location, deemed appropriate by the District. The Customer shall immediately cause such device to be installed at his or her expense, and in the manner prescribed by the District, which thirty (30) days of the issuance of said notice.

9.06 Installation. The location of any Approved Backflow Prevention Assembly installed pursuant to this Section shall be at the Customer's point of connection to the district's Water, or within the Customer's Premises, or both, as determined by the District in the exercise of its discretion. If an approved Backflow Prevention Assembly is

required on the Customer's connection to the District's Water, it shall be located at or near the property line of the Premises or immediately outside the building being served, but, in all cases, at a place deemed acceptable to the District that is before the first branch line leading off the service line.

9.06.01 Typical Installations - Conditions where an approved backflow prevention assembly is required on each service connection shall include, but not be limited to, the following:

a. In the case of any property having an auxiliary water supply, or one that is being fed by another outside water source, the public water system shall be protected against backflow from the premises by installing an approved Air Gap or RPP device.

b. In the case of any property on which toxic chemicals, pollutants, industrial fluids, or any other objectionable substances are handled, or stored, in such a fashion as to create an actual or potential hazard to the District's system, the public water system shall be protected against backflow from the premises by installing an approved Air Gap or RPP device.

b. In the case of any property having internal cross-connections that cannot be permanently corrected or protected against, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist. The public water system shall be protected against backflow from the property by installing an approved RPP device.

c. In the case of any property being served by two or more water services, water and fire services, water and irrigation services, or any combination thereof, the public water system shall be protected against backflow from the premises by installing an approved RPP device on each service connection.

d. In the case of any property having solar heating systems of a heat exchanger type that utilize a recirculating pump, air conditioning units with chemical injection pots, or coolers with recirculating pumps, the public water system shall be protected against backflow from the premises by installing an approved RPP device.

e. In the case of any agricultural property, dairy, poultry farm, or any other farm, or hobby type operation, where fecal bacteria has the potential to contaminate the water supply, or operations injecting chemicals into the on-site water lines, the public water system shall be protected against backflow from the property by installing, at a minimum, an approved RPP device.

f. In the case of any property on which there is water or a substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected against backflow from the premises by installing an approved double check valve.

g. In the case of any single family or multi-family residential property where known health hazards exist, the public water system shall be protected against backflow from the premises by installing an approved RPP device.

9.06.02 Typical Facilities - Typical facilities where the District requires the installation of approved backflow prevention assemblies:

Apartments- 8 or more units	- RPP
Bottling plants	- RPP
Buildings- Commercial, Industrial	- RPP
Buildings- Hotels, Motels	- RPP
Buildings, multi-storied (three or more floor levels)	- RPP
Car wash facilities	- RPP
Cleaners	- RPP
Commercial buildings	- RPP
Cooling towers	- RPP

Fire systems (not interconnected, interconnected)	- RPP,
DC	
Hospitals- Medical buildings, Mortuaries, Autopsy Facilities, Nursing and Convalescent Homes and Clinics	- RPP
Irrigation systems- Premises having separate systems:	
Parks, Playgrounds, Cemeteries, Golf Courses, Schools, Estates, Ranches	- RPP
Laundries and Dye works	- RPP
Mobile home parks	- RPP
Multiple rental buildings- that are master metered.	- RPP
Plating plants	- RPP
Sand and Gravel Plants	- RPP
Schools	- RPP
Sewage lift stations	- RPP
Sewage treatment plants	- AG, RPP
Sprinkling systems (chemically entrained)	- RPP
Steam facilities	- RPP
Public Swimming Pools & Pools at Apartments, Condominiums, Home Owner Associations, City Parks, Trailer Parks, and Mobile Home Parks.	- RPP

9.07 Inspection, Testing and Maintenance. The Customer shall cause a field test to be performed by a licensed plumbing contractor certified to test and repair Approved Backflow Prevention Assemblies at the time of installation and at least once per year thereafter. In those instances deemed necessary by the District, testing of Approved Backflow Prevention Assemblies may be required at more frequent intervals, In the event that an Approved Backflow Prevention Assembly is found to be defective, the Customer shall cause the necessary repairs and/or replacement thereof to be made.

The Customer shall have an acceptance test performed after such repair and/or replacement to ensure proper operation of the Approved Backflow Prevention Assembly. All costs associated with the inspection, testing, repair, and maintenance of Approved Backflow Prevention Assemblies shall be borne by the Customer. The results of each test and records of all inspection, replacement, and repairs performed on an Approved Backflow Prevention Assembly by the Customer shall be maintained by the Customer and reported to the District in a manner deemed acceptable to the District.

9.08 Enforcement. The District may discontinue or refuse to supply water and/or sewer service to any Premises that is not in strict compliance with the terms of this Section, or if it is found that an Approved Backflow Prevention Device has been removed or bypassed, or if unprotected Cross-Connections otherwise exist on the Premises. The District may also disconnect water and/or sewer service to any Premises if the health and safety of any Person is immediately threatened by a Cross-Connection. The District may refuse to restore such service to the Premises until the Cross-Connection is remedied and an Approved Backflow Prevention Device is installed and operated in accordance with the Section.

9.09 Administration. The District shall appoint at least one (1) person trained in Cross-connection control to administer the provisions of this section.

SECTION 10. CUSTOMER BILLING PROCEDURES

10.01 Establish Rates and Charges - The Board of Directors shall from time to time establish rates and charges for water and other service provided by the East Valley Water District.

10.02 Charges - Water charges shall begin when a water service connection is installed and the meter is set or an existing service is requested to be turned on, unless the water is otherwise ordered to be left shut off when the service connection is ordered or installed. Thereafter, the District may transfer to the account, which is established for

such service, any delinquent and/or unpaid charges from other closed or open accounts which are held by the customer and/or property owner with the District.

10.03 Liens for Unpaid Bills - All unpaid bills will be made a lien against the property pursuant to these rules, regulations and California Water Code Section 31701.5 et.seq. Interest at the legal rate may accrue and be applied on all delinquent bills.

10.04 Owner Liability - The property owner remains responsible for all charges owed to the District whether or not the property owner actually lives on the premises or signs the application for water service.

10.05 Billing Period - The regular billing period will be monthly.

10.06 Meter Reading - Meters will be read ,as nearly as possible, on the same day of each month.

10.07 Billing of Separate Meters not Combined - Separate bills will be rendered for each meter installation. The District may, for its own convenience, consider each register of compound meters as a separate service and bill each as provided for herein. For its own convenience, the District may combine multiple services on one bill.

10.08 Opening and Closing Bills - Opening and closing bills for less than the normal billing period shall consist of charges for actual water consumption and a proration of the availability charge.

10.09 Payment of Bills - Bills for metered water service shall be rendered at the end of each billing period and due and payable upon presentation. If full payment is not received at the business office of the District on or before the due date, the bill shall become past due and delinquent.

10.10 Delinquency Notice - A delinquency notice shall be mailed to customers whose accounts are delinquent, warning that service is subject to disconnection unless payment is received within fifteen (15) calendar days from the date of mailing of the delinquent notice. The delinquency notice shall indicate the amount due, including

delinquent charges, and the total amount which must be paid. Notice of any delinquency in a tenant's account shall also be sent to the owner of the property.

10.11 Removal of Delinquency - At the end of each calendar year ,the District shall remove one delinquency from the record of each account that has one or more delinquencies.

10.12 Suit - All unpaid rates, charges and penalties herein provided may be collected by suit.

10.13 Costs - Defendant shall pay all costs of suit in any judgment rendered in favor of the District, including reasonable attorney's fees.

10.14 Upon Vacating Premises - Customers desiring to discontinue service should so notify the District in writing three (3) business days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for on-going charges whether or not any water is used, up to the time of requested discontinuance of service.

SECTION 11. COMPLAINTS AND DISPUTED BILLS

11.01 Right to Meet - The customer has the right to meet with the Financial Officer or General Manager to present any evidence supporting a complaint with regard to water service, District rules, regulations, resolutions or ordinances, or to dispute the accuracy of a bill for service or other charges.

11.02 Arrangement of Meeting - To arrange such a meeting, the customer shall contact the District office, either in writing or by telephone during normal business hours.

11.03 Presentation of Evidence - The customer may be accompanied by a friend, attorney, or other representative to meet with the Financial Officer or General Manager and may present any evidence they may have to support their position.

11.04 Unresolved Disputes - If the customer is unable to resolve his dispute with the Financial Officer or General Manager, he/she may submit the complaint in writing along with a full and detailed explanation to the Board of Directors for resolution.

11.05 Appearances Before the Board of Directors - The customer may appear before the Board of Directors at the next regularly scheduled Board meeting by notifying the District Secretary, in writing, prior to the Board meeting of the date he/she wishes to attend and what the dispute regards. The customer may then present the complaint and any evidence in support of his/her position and ask for a decision by the Board.

11.06 Delays on Action - The Board shall act promptly to resolve the dispute, but may delay a resolution of the dispute to the time of its next regular meeting in order to investigate the dispute or receive special reports related to the dispute.

11.07 Further Delays - Any further delays must be freely and willingly agreed to by the customer.

11.08 Decision of the Board - The decision of the Board of Directors shall be final. Should the Board not render a decision within sixty (60) days of application to the Board, this failure to act shall be deemed a denial of the requested action, unless both parties have agreed to extend the resolution period.

11.09 Discontinuance of Service - No water or other service shall be discontinued pending the final resolution of a dispute.

11.10 Adjustment for Fast Meter Errors - If a meter tested at the request of a customer is found to be more than five percent (5%) fast, the excess charges for the time service was rendered the customer, or excess charges for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

11.11 Adjustment for Slow Meter Errors - If a meter tested at the request of a customer is found to be more than ten percent (10%) slow and shows evidence of tampering, 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.

11.12 Non-Registering Meters - If a meter is found to be not registering, the charges for service shall be based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period, or by such other method as is determined by the District, and its decision shall be final.

SECTION 12. DISCONNECTION FOR NONPAYMENT

12.01 Disconnection for Non-Payment - Water service shall be discontinued if payment for water service is not made within fifteen (15) calendar days of the date of mailing the delinquent notice. At least forty-eight (48) hours prior to termination, the District will make a reasonable attempt to notify the resident of the affected property by leaving a notification tag at the property. At no time shall the District discontinue water service at a time when the District offices are closed.

12.02 Complaint Procedures for Disconnection - Service disconnection for non-payment of bills or for violation of any of the District's rules, regulations, ordinances or resolutions is subject to the complaint procedures specified in Section 11 herein.

12.03 Refusal or Neglect to Pay Debt - Any amount due is a debt to the District and any person, firm or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action for the amount due in a court of competent jurisdiction.

12.04 Lien Against Property for Non-Payment - Any unpaid debt will be deemed a lien against the real property to which service is rendered as specified herein and California Water Code Section 31701.5 et.seq.

12.05 Service Charges for Violations - If water service is discontinued for violation of any of the District's rules, regulations, resolutions or ordinances, service shall not be re-instituted until the violations have been corrected and all applicable

service charges and fees as provided for herein are paid in full by cash , money order, or cashier's check.

12.06 Partial Payments - A partial payment of a delinquent account may be accepted and credited to a customer's account, but such partial payment shall not be cause for removing the account from a delinquent status and shall not preclude the meter from being turned off for delinquency.

12.07 Authorization for Continuance of Service for Delinquent Accounts -

The General Manager or his designee may authorize continuation of service to a delinquent account if financial arrangements satisfactory to the District have been established.

SECTION 13. ADDING DELINQUENT CHARGE TO TAX ROLL

13.01 Report of Delinquent and Unpaid Charges - A report of delinquent and unpaid charges for water and other services which remain unpaid and delinquent for sixty (60) days or more on July 1st of each year shall be prepared and submitted to the Board for consideration as tax liens. The unpaid delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report.

13.02 Adoption and Filing of Report - The Secretary shall file with the County Assessor of the County of San Bernardino and the Board of Supervisors of the County of San Bernardino, in the time and manner specified by the County Assessors and Board of Supervisors, a copy of such written report with a statement endorsed thereon over the signature of the Secretary, that such a report has been adopted and approved by the Board of Directors and that the County Assessor shall enter the amount of such charges against the respective lots or parcels of land as they appear on the current assessment roll.

13.03 Collection of Delinquent and Unpaid Charges - The amount of any charges for water and/or other services included in the report prepared and submitted pursuant to Sections 13.01 and 13.02 above shall be added to and become a part of the

annual taxes next levied upon the property upon which the water for which the charges are unpaid was used, and upon the property subject to the charges for any other District services, and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing such annual taxes as provided in Section 12.04 above.

SECTION 14. CHARGES AND DEPOSITS

14.01 Adoption - The amount of all charges and deposits described herein shall be adopted by Board resolution.

14.02 Consumption Charge - The consumption charge is the charge per hundred cubic feet for all water registered by the water service meter.

14.03 Delinquency Charges - A delinquent charge shall be added to each delinquent account at the time any amount becomes delinquent, provided that no delinquent charge shall be made on any account which at the time has no delinquencies of record. When a delinquent charge is made, such charge shall be added to the delinquent account as of the date the account becomes delinquent and the charge shall become an inseparable part of the amount due as of that time.

14.04 Disconnect Notice Charge - The disconnect notice charge is the charge which covers reasonable District costs to notify customers that their water service is subject to impending termination.

14.05 Disconnect/Reconnect Charge - The disconnect/reconnect charge is the charge which covers the reasonable District costs for disconnection and reconnection of service connections which are in violation of the provisions contained herein.

14.06 Fire Hydrant Installation Charge - The charge for installation of fire hydrants as may be required.

14.07 Fire Service Connection Charge - The charge for installation of fire services as may be required.

14.08 Fire Service Standby Charge - The fire service standby charge is the monthly standby charge per inch diameter of the District fire service meter. Water use through this service is limited to emergency fire requirements only.

14.09 Inspection Charge - Where a customer service connection or facility requires inspection by District personnel, the customer shall be charged for such inspection.

14.10 Meter Test Charge - The meter test charge is the charge which covers the District costs for removing, bench testing, and reinstalling the water meter to be tested.

14.11 Security Deposit - The Security deposit insures payment of minimum District charges. Upon discontinuance of service the security deposit shall be applied to reduce any outstanding charges on any accounts held by the customer with the District. The amount of deposit shall be established by the Board of Directors in the resolution on fees. The security deposit shall be refunded to the customer as provided in Section 6.04.02 herein.

14.12 Special Facility Charge - A special facility charge shall be for the development of a limited service area whenever special facilities including, but not limited to, booster stations, hydropneumatic stations and pressure regulators are required. The charge to be made to a developer or owner of land that is considered by the District to be within a limited service area shall be based upon the developer's or landowner's proportionate share of the cost of the installation of such special facility. Such proportionate share to be borne by the developer or landowner shall be based on the percentage of such development to the entire limited service area to be served by the special facilities and the difference between the cost of facilities to serve the same number of acres or area under normal conditions and the cost of facilities to serve the acreage or area under special conditions at a higher cost.

14.13 System Charge - The system charge is the monthly availability charge applicable to all metered services.

14.14 Unauthorized Use of Water Charge - The unauthorized use of water charge shall be charged to any person, organization or agency for each unauthorized use of District water, or for tampering in any manner with any meter belonging to the District, in which tampering shall affect the accuracy of such meter. Where the unauthorized use of water or tampering results in the District's action to remove the meter, there shall be a charge for the removal and re-installation.

14.15 Front Footage Charge - The front footage charge is a one-time reimbursement to the District for previously constructed water mains adjacent to all sides of an unimproved property to be served.

14.16 Water Main Extension Charge - The water main extension charge is for the construction of a water main extending to the far side of the property to be served. This charge shall be based on the prevailing rates of time and material per District approved plans. The customer shall be responsible to provide the plans and for all applicable Engineering Services charges described in Section 14.18.

14.17 Water Service Connection Charge - The water service connection charge is the charge for the type and size of water service connection desired. Such regular charge shall be paid in advance by the applicant. The water service connection charge shall consist of an installation charge and a capacity charge. Where there is no regular charge, the District reserves the right to require the applicant to deposit an amount equal to the estimated cost of such service connection.

14.17.01 Installation Charge - The installation charge shall represent the District's cost to furnish and install the specified service.

14.17.02 Capacity Charge - The capacity charge is a fee for that incremental portion of the entire water system and District facilities that will be used by a new service.

14.18 Water System Design Charge - A non-refundable water system design charge shall be required for all main extensions, service connection and/or special facilities requiring the preparation of engineering plans and drawings.

14.19 Engineering Services Charge - The Engineering Services charge is a fee for the District's time and effort spent on assisting customers who have a requirement to construct water main extensions, or other water facilities, that must meet District needs and conform to District standards. This fee includes time and effort the District spends on plan checking, plan and easement development, and all other related work.

Prior to submission of any documents requiring work by the district, a non-refundable minimum charge in the amount of 7.5% of the engineer's estimated cost for the project shall be submitted to the district. The work will be accomplished on a time and effort basis. Should the District use more funds than the original charge, the additional billed costs must be paid prior to allowing water service to the project.

14.20 Construction Water Charge - The construction water charge is a temporary flat rate water charge. It is only available during the construction phase of a new building for services 1" in diameter or less. It is available for a period not exceeding six months.

14.21 Fire Flow Test Charge - The fire flow test charge is a flat rate to cover the District's time and effort for testing parts of the water system to obtain fire flow test data and calculate results as requested.

14.22 Valve Deposit - The valve deposit is a refundable charge that is used to insure all valve cans and caps are constructed to final grade before a water system construction project is complete. The District will accept a guarantee bond in lieu of a cash deposit. The fee will be returned or the bond released when valve cans and caps are constructed to final grade by the developer's contractor and verified by the District.

14.23 Service Initiation Charge - The service initiation charge is a non refundable charge which covers the reasonable District costs for initiating water service.

14.24 Returned Check Charge - A returned check charge is a charge which covers the reasonable administrative cost and banking charges for processing a returned check.

14.25 Temporary Service Charge - A temporary service is available through the use of a fire hydrant. A customer deposit for the temporary service will be required. All other applicable service charges shall apply.

SECTION 15 WATER CONSERVATION

15.01 Waste or Nuisance Water and Other Substances - It is unlawful for any person, firm or corporation to deposit, drain, wash, or allow to run or divert water, mud or sand into, or upon, any public road, highway, street, alley, drainage ditch, storm drain, flood control channel owned or controlled by any public agency within the District. When a written application is filed with the District, and approved by the General Manager, a permit may be granted with terms and conditions and applicable fees as it may deem appropriate to impose to such person . For purposes of enforcement of this section, the owner of the meter, or property, which is the source of the “waste or nuisance water and other substances” as defined herein will be considered the responsible party. Any violations cited hereunder, and defined as being detrimental to public health, safety or welfare, will be borne by the responsible party.

15.02 Conservation Measures - Stage No.1 Normal Conditions: Voluntary Conservation Measures - Normal conditions shall be in effect when the District is able to meet all the water demands of its customers in the immediate future. During normal conditions all water users should continue to use water wisely, to prevent the waste or unreasonable use of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes.

15.03 Stage No. 2 - Threatened Water Supply Shortage - In the event of a threatened water supply shortage which could affect the District's ability to provide water for ordinary domestic and commercial uses, the Board of Directors shall hold a public hearing at which consumers of the water supply shall have the opportunity to protest and to present their respective needs to the District. The Board may then, by resolution, declare a water shortage condition to prevail, and the following conservation measures shall be in effect:

15.03.01 Exterior Landscape Plans - Exterior landscape plans for all new commercial and industrial development shall provide for timed irrigation and shall consider the use of drought resistance varieties of flora. Such plans shall be presented to and approved by the District prior to issuance of a water service letter.

15.03.02 Excessive Irrigation and Related Waste - No customer of the District or other person acting on behalf of or under the direction of a customer shall cause or permit the use of water for irrigation of landscaping or other outdoor vegetation, plantings, lawns or other growth, to exceed the amount required to provide reasonable irrigation of same, and shall not cause or permit any unreasonable or excessive waste of water from said irrigation activities or from watering devices or systems. The free flow of water away from an irrigated site shall be presumptively considered excessive irrigation and waste as defined in Section 3 herein.

15.03.03 Agricultural Irrigation - Persons receiving water from the District who are engaged in commercial agricultural practices, whether for the purpose of crop production or growing of ornamental plants shall provide, maintain and use irrigation equipment and practices which are the most efficient possible. Upon the request of the General Manager, these persons may be required to prepare a plan describing their irrigation practices and equipment, including but not limited to, an estimate of the efficiency of the use of water on their properties.

15.03.04 Commercial Facilities - Commercial and industrial facilities shall, upon request of the General Manager, provide the District with a plan to conserve water at their facilities. The District will provide these facilities with information regarding the average monthly water use by the facility for the last two year period. The facility will be expected to provide the District with a plan to conserve or reduce the amount of water used by that percentage deemed by the Board of Directors to be necessary under the circumstances. After review and approval by the General Manager, the water conservation plan shall be considered subject to inspection and enforcement by the District.

15.03.05 Parks, Golf Courses, Swimming Pools and School Grounds Public and private parks, golf courses, swimming pools and school grounds which use water provided by the District shall use water for irrigation and pool filling between the hours of 10:00 p.m. and 6:00 a.m.

15.03.06 Domestic Irrigation - Upon notice and public hearing, the District may determine that the irrigation of exterior vegetation shall be conducted only during specified hours and/or days, and may impose other restrictions on the use of water for such irrigation. The irrigation of exterior vegetation at other than these times shall be considered to be a waste of water.

15.03.07 Swimming Pools - All residential, public and recreational swimming pools, of all size, shall use evaporation resistant covers and shall re-circulate water. Any swimming pool which does not have a cover installed during periods of non-use shall be considered a waste of water.

15.03.08 Run-off and Wash-down - No water provided by the District shall be used for the purposes of wash-down of impervious areas, without specific written authorization of the General Manager. Any water used on a premises that is allowed to escape the premises and run off into gutters or storm drains shall be considered a waste of water.

15.03.09 Vehicle Washing - The washing of cars, trucks or other vehicles is not permitted, except with a hose equipped with an automatic shut-off device, or a commercial facility so designated on the District's billing records.

15.03.10 Drinking Water Provided by Restaurants - Restaurants are requested not to provide drinking water to patrons except by request.

15.04 Stage No.3- Water Shortage Emergency:Mandatory Conservation Measures - In the event of a water shortage emergency in which the District may be prevented from meeting the water demands of its customers, the Board of Directors shall, if possible, given the time and circumstances, immediately hold a public hearing at which customers of the District shall have the opportunity to protest and to present their respective needs to the Board. No public hearing shall be required in the event of a breakage or failure of a pump, pipeline, or conduit causing an immediate emergency. The General Manager is empowered to declare a water shortage emergency, subject to the ratification of the Board of Directors within 72 hours of such declaration, and the following rules and regulations shall be in effect immediately following such declarations:

15.04.01 Prohibition - Watering of parks, school grounds, golf courses, lawn water, landscape irrigation, washing down of driveways, parking lots or other impervious surfaces, washing of vehicles, except when done by commercial car wash establishments using only recycled or reclaimed water, filling or adding water to swimming pools, wading pools, spas, ornamental ponds, fountains and artificial lakes are prohibited.

15.04.02 Restaurants - Restaurants shall not serve drinking water to patrons except by request.

15.04.03 Construction Meters - No new construction meter permits shall be issued by the District. All existing construction meters shall be removed and/or locked.

15.04.04 Commercial Nurseries and Livestock - Commercial

nurseries shall discontinue all watering and irrigation. Watering of livestock is permitted as necessary.

15.05 Implementation and Termination of Mandatory Compliance Stages

The General Manager of the District shall monitor the supply and demand for water on a daily basis to determine the level of conservation required by the implementation or termination of the Water Conservation Plan Stages and shall notify the Board of Directors of the necessity for the implementation, or termination, of each stage. Each declaration of the Board of Directors implementing, or terminating, a water conservation stage shall be published at least once in a newspaper of general circulation, and shall be posted at the District offices. Each declaration shall remain in effect until the Board of Directors otherwise declares, as provided herein.

15.06 Exceptions - Application for Exception Permits - The General Manager may grant permits for uses of water otherwise prohibited under the provisions of this Ordinance if he finds and determines that restrictions herein would either:

15.06.01 Hardship - Cause an unnecessary and undue hardship to the water user or the public; or

15.06.02 Emergency - Cause an emergency condition affecting the health, sanitation, fire protection or safety of the water use or of the public.

15.06.03 Exemptions Granted - Such exceptions may be granted only upon written application therefor. Upon granting such exception permit, the General Manager may impose any conditions he determines to be just and proper.

15.07 Enforcement, Inspection - Authorized employees of the District, after proper identification may, during reasonable hours, inspect any facility having a water conservation plan, and may enter onto private property for the purpose of observing the operation of any water conservation device, irrigation equipment or water facility.

Employees of the District may also observe the use of water or irrigation equipment within the District from public rights-of-way.

15.08 Criminal Penalties for Violation - Water Code Section 31029 makes any violation of this Ordinance a misdemeanor and upon conviction thereof, the violator shall be punished by imprisonment, fine or by both fine and imprisonment as may be allowed by law.

15.09 Civil Penalties for Violation - In addition to criminal penalties, violators of the mandatory provisions of this Ordinance shall be subject to civil action initiated by the District as follows:

15.09.01 First Violation: For a first violation, the District shall issue a written notice of violation to the water user violating the provisions of this Ordinance. The notice shall be given pursuant to the requirements of Section 15.10 below.

15.09.02 Second Violation: \$100.00 Surcharge - For a second violation of this Ordinance within a 12 month period, or failure to comply with the notice of violation within the period stated, a surcharge of \$100.00 is hereby imposed for the meter through which the wasted water was supplied.

15.09.03 Third Violation: \$200.00 Surcharge and/or Installation of a Flow Restrictor - For a third violation of this ordinance within a 12 month period, or for continued failure to comply within 30 days after notice of an imposition of second violation sanctions, a one month penalty surcharge in the amount of \$200.00 is hereby imposed for the meter through which the wasted water was supplied. In addition to the surcharge, the District may, at its discretion, install a flow-restricting device at such meter with a one-eighth inch (1/8") orifice for services up to one and one half (1-1/2") inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises at which the violation occurred for a period of not less than forty-eight (48) hours. The charge to the customer for installing a flow-restricting device shall be based upon the size of the meter and the actual cost of installation but shall not

be less than that provided in the District's Rules and Regulations. The charge for removal of the flow-restricting device and restoration of normal service shall be as provided in the District's Rules and Regulations.

15.09.04 Subsequent Violations: Discontinuance of Service - For any subsequent violation of this Ordinance within the twenty-four (24) calendar months after a first violation as provided in Section 15.09.2 hereof, the penalty surcharge provided in Section 15.09.3 hereof shall be imposed and the District may discontinue water service to that customer at the premises or to the meter where the violation occurred. The charge for reconnection and restoration of normal service shall be as provided in the Rules and Regulations of the District. Such restoration of service shall not be made until the General Manager of the District as determined that the water user has provided reasonable assurances that future violations of this Ordinance by such user will not occur.

15.10 Notice - First Violation - For a first violation, written notice shall be given to the customer and/or property owner personally or by regular mail.

15.10.01 Subsequent Violations - If the penalty assessed is a surcharge for a second or third violation, notice may be given by regular mail.

15.10.02 Violations Involving Installation of Flow-Restrictors or Discontinuance of Water Service - If the penalty assessed is, or includes, the installation of a flow restrictor or the discontinuance of water service to the customer for any period of time, notice of the violation shall be given in the following manner:

a. Personal Service - By giving written notice thereof to the occupant and/or property owner personally; or if the occupant and/or property owner is absent from his/her place of residence and from his/her assumed place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the United States mail addressed to the occupant and/or owner at his/her place of business or residence; or

b. **Posting** - If such place of residence and business cannot be ascertained, or a person of suitable age or discretion cannot be located, then by affixing a copy in a conspicuous place on the property where the failure to comply is occurring and also by delivering a copy to a person there residing, if such person can be found, and also sending a copy through the United States mail addressed to the occupant at the place where the property is situated and the owner if different.

15.10.03 Form of Notice - All notices provided for in this Section shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a statement informing the occupant/owner of his/her right to hearing on the violation.

15.11 Hearing - Any customer or property owner against whom a penalty is levied pursuant to this ordinance shall have a right to a hearing, in the first instance by the General Manager, with the right of appeal to the Board of Directors, on the merits of the alleged violation upon the written request of that customer within fifteen (15) days of the date of alleged violation. At the next regularly scheduled meeting, the customer may then appear and present any evidence in support of his position and ask for a decision by the Board.

15.12 Delays on Action - The Board shall act promptly to resolve the dispute, but may delay a resolution of the dispute to the time of its next regular meeting in order to investigate the dispute or receive special reports related to the dispute.

15.13 Decision of the Board - The decision of the Board of Directors shall be final. Should the Board not render a decision within sixty (60) days of application to the Board, the failure to act shall be deemed a denial of the requested action, unless both parties have agreed to extend the resolution period.

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

Approved and adopted this 15TH day of July 2010

ROLL CALL:

Ayes: Directors

Noes:

Absent:

Abstain:

George E. Wilson, President

ATTEST: _____

Robert E. Martin, Secretary