ORDINANCE NO. 409

AN ORDINANCE OF THE EAST VALLEY WATER DISTRICT RESCINDING ORDINANCE NO. 406 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it ordained by the Board of Directors of the East Valley Water District, as follows, that Ordinance No. 406 is hereby rescinded, and this Ordinance 409 is enacted as follows:

SECTION 1. INDEX

Section	1	Index	1
Section	2	General Provisions	2
Section	3	Definitions	3
Section	4	Water Department	5
Section	5	General Rules	6
Section	6	Application for Water Service	9
Section	7	Temporary Service	12
Section	8	Fire Protection	13
Section	9	Cross-Connection Control	14
Section	10	Customer Billing Procedures	20
Section	11	Complaints and Disputed Bills	24
Section	12	Disconnection for Non-Payment	25
Section	13	Adding Delinquent Charges to Tax Roll	26
Section	14	Charges and Deposits	26
Section	15	Water Conservation	29
Section	16	Effective Date	36

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** - Shall mean 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, gases, 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, schools, dry cleaners, laundries, and businesses.

3.05 **Common area** - means that portion of a common interest development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property.

3.06 **Common Interest Development** – means any of the following:

a) A community apartment project.

b) A condominium project.

c) A planned development.

d) A stock cooperative.

3.07 **Community Service Organization or Similar Entity** - A nonprofit entity, other than an association, that is organized to provide services to residents of the common interest development or to the public in addition to the residents, to the extent community common area or facilities are available to the public. "Community service organization or similar entity" does not include an entity that has been organized solely to raise moneys and contribute to other nonprofit organizations that are qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code and that provide housing or housing assistance.

3.08 **Community Space** - An area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.

3.09 **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.

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

3.11 **County** - The County of San Bernardino, California.

3.12 **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 as safe, wholesome and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

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

3.14 **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.

3.15 **Disadvantaged Community** - A community with an annual median household income that is less than 80 percent of the statewide annual median household income.

3.16 **District** - Shall mean the East Valley Water District, San Bernardino County, California.

3.17 **Director of Engineering and Operations** - Shall be a Registered Civil Engineer of the State of California.

3.18 **Engineering Services** - The Engineering services provided by the District shall include technical and procedural guidance, professional consultant services, project coordination, and plan checking.

3.19 **Financial Officer** - Shall be the Treasurer appointed by the Board of Directors.

3.20 **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.

3.21 **Functional Turf** - Ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.

3.22 **General Manager** - Shall mean the General Manager/Chief Executive Officer of the District.

3.23 **Governing Body** - Shall mean the Board of Directors of the East Valley Water District.

3.24 **Homeowners Association** - means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

3.25 **Inspector** - Shall mean the person who shall perform the work of inspecting water facilities under the jurisdiction or control of the District.

3.26 **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.

3.27 **Non-Functional Turf** - Any turf that is not functional turf, and includes turf located within street right-of-way and parking lots.

3.28 **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 the same for himself or, as executor, administrator, guardian, or trustee of the owner.

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

3.30 **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.

3.31 **Potable Water** – Water that is sustainable for human consumption.

3.32 **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.

3.33 **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.

3.34 **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.

3.35 **Recreational Use Area** - An area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.

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

3.37 **Residential** - Any service with a building that serves as a single-family home, duplex or triplex, apartments, co-operatives, or townhouses.

3.38 **Secretary** - The Secretary to the Governing Body.

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

3.40 **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.

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

3.42 **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.

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

3.44 **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 Director of Engineering and Operations 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 **Director of Engineering and Operations** - The position of Director of Engineering and Operations is hereby created. The Director of Engineering and Operations 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 Director of Engineering and Operations 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 Director of Engineering and Operations 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 Director of Engineering and Operations may be performed by the General Manager or by an additional employee or employees as designated by the Director of Engineering and Operations and/or General Manager.

4.07 **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 Director of Engineering and Operations.

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 Director of Engineering and Operations, 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 **Non-Compliance 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 Director of Engineering and Operations. 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 stops or valves, 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 Stop** - Each service connection installed by the District shall be equipped with a curb stop, or wheel valve, on the inlet side of the meter. Such valve, or curb stop, is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb stop, 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) months' consumption until a personal risk by the District's employee is no longer an issue. Upon verification that the premises no longer appear 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** - A property owner or his/her agent, designated in writing, shall make application for regular water service by personally signing a Service Agreement provided by the District and paying the required fees. The property owner will remain the primary account holder, or Customer of Record, with respect to District services for as long as they own the property.

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 **Additional Customer of Record** - If the Property owner rents the premises to a tenant, the tenant may have water and other services instituted in their name by completing an Owner Authorized Billing Agreement. The tenant and owner must both sign the agreement, and the District must be provided with a copy of an active 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 Owner Authorized Billing Agreement 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 residential, commercial or retail unit shall be deposited at the time application for service is made. The District may, at its sole option, include the required security deposit on the customer's first billing invoice.

6.04.01 **Single-Family Residential Exception** - The 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 any time after being disconnected for non-payment.

6.04.02 **Security Deposit Refund** - Upon customer request, 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 **Residential** - The District shall refund each security deposit to a residential customer as follows:

a. Where single-family residential 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, the customer may request a refund of the full deposit. 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 any time after being locked off for non-payment.

b. Where multi-family residential customer deposits 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.

c. 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 **Non-Residential** - The District shall refund the security deposit for commercial and irrigation 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 except in conformity with the following:

6.06.01 **Multiple Building** - Multiple houses 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, curb stop, wheel valve, or coupling shall be maintained by the District. All pipes and fixtures extending or laying beyond the meter coupling shall be installed and maintained by the owner of the property.

6.08 **Damage through Leaking Pipes and Fixtures** - When requested to turn on the 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 stop or the private shutoff. The District's jurisdiction and responsibility ends at the customer's connection to the meter. The Board shall in no case be liable for damages caused by water running from open or faulty fixtures, or from broken or damaged pipes beyond the meter.

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 customer's 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 sub-divider 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 conduct 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 the 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 Director of Engineering and Operations.

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 firefighting 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 owner's 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 the Cross-Connection Control Policy Handbook adopted by the State Water Resources Control Board pursuant to the California Safe Drinking Water Act and applicable provisions of the California Code of Regulations and Health and Safety Code 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.

e. To establish and maintain a District Cross-Connection Control Program and Cross-Connection Control Plan consistent with the Cross-Connection Control Policy Handbook (CCCPH) adopted by the State Water Resources Control Board.

9.02 **Application** - The provisions of the Cross-Connection Control Policy Handbook (CCCPH), as adopted by the State Water Resources Control Board pursuant to the California Safe Drinking Water Act, 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. In the event of any conflict between this Section and the CCCPH, the provisions of the CCCPH shall prevail.

9.03 **Definitions** - In addition to the definitions in the CCCPH and applicable State Water Board regulations, 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, gases, 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 **Controlled Cross-Connections** - 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, pollution (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 pollution 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. **Pollution Hazard** - The term "pollution 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, pollution, 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 **Potable Water** - The term "potable water" shall mean any public/private water supply that has been investigated and approved for human consumption.

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

9.03.18 **Used Water** - 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.

9.03.19 **Cross-Connection Control Program** - A program administered by the District for the systematic control of cross-connections through inspection, hazard assessment, installation of backflow prevention assemblies, enforcement, and recordkeeping.

9.03.20 **Cross-Connection Control Plan** - A written plan maintained by the District describing policies and procedures for implementing the Cross-Connection Control Program consistent with the CCCPH.

9.03.21 **Hazard Assessment** - An evaluation conducted by the District or its authorized representative to determine whether actual or potential cross-connections exist on a customer's premises and to determine the appropriate level of backflow protection.

9.03.22 **Cross-Connection Control Specialist** - A person certified by a State Water Board recognized certification organization who is qualified to perform hazard assessments and administer cross-connection control programs.

9.03.23 **Backflow Incident** - Any event where water, contaminants, pollutants, or other substances flow or are suspected to have flowed into the District potable water system from a non-potable source.

9.03.24 **Recycled Water System** - A system that conveys treated wastewater for non-potable uses such as irrigation, industrial uses, or other uses approved by regulatory agencies.

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 because of conditions existing on a Water User's Premises. Such surveys shall include hazard assessments performed in accordance with the procedures described in the District Cross-Connection Control Plan. At a minimum, the evaluation shall consider the factors identified in ~~Section 7585 of the California Code of Regulations and applicable provisions of~~ the Cross-Connection Control Policy Handbook. 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, within thirty (30) days of the issuance of said notice or within such other time period determined necessary by the District to protect the public water system.

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. Installation shall comply with the District Cross-Connection Control Plan, manufacturer specifications, and applicable provisions of the Cross-Connection Control Policy Handbook. 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.

c. 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 dangerous cross-connections exist. The public water system shall be protected against backflow from the property by installing an approved RPP device.

d. 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.

e. In the case of any property having solar heating systems of a heat ex-changer type that utilizes 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.

f. In the case of any agricultural property, dairy, poultry farm, or any other farm, or hobby-type operation, where fecal bacteria have 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.

g. 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.

h. 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 Building	RPP
Cooling Towers	RPP
Fire Systems (not interconnected, interconnected)	RPP, DC
Hospitals - Medical Buildings, Mortuaries, Autopsy Facilities, Nursing,	RPP
Irrigation Systems - Premises having separate systems: Parks, Playgrounds,	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, and Pools at Apartments, Condominiums,	RPP

9.07 **Inspection, Testing, and Maintenance** - The Customer shall cause a field test to be performed by a certified backflow prevention assembly tester recognized by the State Water Resources Control Board or a State Water Board-recognized certification organization. Testing shall occur at the time of installation and at least once per year thereafter or more frequent intervals as determined necessary by the District. In those instances 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. Test results shall be submitted to the District in a form and manner approved by the District. 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 **Cross-Connection Control Program** - The District shall maintain a Cross-Connection Control Program consistent with the Cross-Connection Control Policy Handbook. The program shall include at a minimum:

1. A Cross-Connection Control Plan.

2. Hazard assessments of service connections.
3. Installation and testing requirements for backflow prevention assemblies.
4. Recordkeeping and reporting requirements.
5. Backflow incident response procedures.
6. Customer notification procedures.
7. Public education and outreach.

9.09 **Recordkeeping** - The District shall maintain records necessary to demonstrate compliance with the Cross-Connection Control Policy Handbook, including but not limited to:

- Hazard assessments.
- Backflow prevention assembly installations.
- Inspection and testing records.
- Backflow incidents.
- Enforcement actions

9.10 **Backflow Incident Response** - The District shall establish procedures to investigate and respond to backflow incidents that may threaten the safety of the potable water system. Such procedures may include isolation of affected service connections, notification of regulatory agencies, public health notifications, and corrective actions.

9.11 **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. The District may also immediately discontinue service when an unprotected cross-connection presents an imminent threat to the public health. Service shall not be restored until compliance is achieved.

9.12 **Administration** - The District shall appoint at least one (1) person trained in Cross-Connection control to administer the provisions of this Section. Such person shall meet the certification requirements for a Cross-Connection Control Specialist recognized by the State Water Resources Control Board.

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 by Resolution.

10.02 **Charges** - Water charges shall commence when a water service connection is installed and the meter is set. The customer requesting service and whose name is on the water service account will be responsible for all water charges incurred by such service. The District may transfer to the account, any delinquent and/or unpaid charges from other closed or open accounts which are held by the customer and/or property owner within the District.

10.03 **Tiered Water Use** - The District charges a commodity charge for potable water use in three separate pricing tiers. Tier 1 is an allocation for indoor water use. Tier 2 is an allocation for efficient outdoor use. Tiers 1 and 2 are considered a customer's water budget. Tier 3 represents water use greater than 100% of the customer's individualized water budget.

10.04 **Water Budgets** - A water budget is defined as the quantity of water required for an efficient level of water

use by an individual customer site. The District's water budget calculation accounts for indoor, outdoor, and business process needs where applicable. Water budgets are determined by the individual needs of the customer using site-specific factors including, but not limited to, persons per household, irrigated area, weather (expressed as Evapotranspiration rate), plant factor, and days of service. Water budgets are calculated differently for residential and dedicated irrigation (landscape) water service accounts. Water budgets are considered the combination of Tier 1 and/or Tier 2 water use in all customer classes subject to water budget rates. Customer classes are: Residential/Single-Family, Multi-Family/Residential, and Irrigation.

10.05 **Evapotranspiration (ET) Rate** - Evapotranspiration is a measure of water transpired through plant tissue and evaporated from the soil in the planted area over a period of time. The unit of measure is expressed in inches of ET. ET measurements are obtained from weather station(s) situated in the District's service area; each station provides the data to be applied for specific zones within the District. The weather stations are calibrated on a monthly basis by a certified CIMIS (California Irrigation Management Information System) professional. Weather data is gathered on a daily basis and accumulated for each billing period.

10.06 **Monthly Plant Factor** - The monthly plant factor is used to more clearly define the needs of plant material. The District's monthly plant factor comes from the University of California - Riverside's research on the water needs of cool-season turf grass. The plant factors shown in Row A of the table below, when averaged over the entire calendar year, match the annual ET Adjustment factors listed in the State of California Model Water Efficient Landscape Ordinance (AB 1881). Monthly Plant factors for special landscapes are shown in Row B of the table. Special landscapes are served by a dedicated irrigation meter and include: registered historical sites, cemeteries, parks, golf courses, sport complexes/ball fields, and recreational areas of school yards.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Average
A.	0.61	0.64	0.75	1.04	0.95	0.88	0.94	0.86	0.74	0.75	0.69	0.60	0.8
B.	0.76	0.80	0.93	1.30	1.20	1.10	1.20	1.10	0.92	0.93	0.86	0.75	1

10.07 **Residential Indoor Water Budget** - A residential indoor water budget is calculated by multiplying the number of persons per household by 47 gallons for every day in a billing period (42 gallons beginning January 1, 2030). For example, if there are 4 people in a residence, the daily water budget would be 188 gallons (4 people x 47 gallons). If there are 28 days in a billing period, the total indoor water budget would be 5,264 gallons (188 gallons/day x 28 days = 5,264 gallons) or 7.04 billing units (5,264 gallons ÷ 748 gallons per billing unit).

10.08 **Residential Outdoor Water Budget** - A residential daily outdoor water budget is calculated by multiplying the irrigated square footage associated with the water service account by the monthly Evapotranspiration rate, adjusted by the monthly plant factor, multiplying by the conversion factor of 0.62 (square feet to gallons) and then dividing by 748 to arrive at the daily water budget in billing units. (Irrigable Square Footage x Monthly Evapotranspiration Rate x Monthly Plant Factor x Drought Factor x 0.62 ÷ 748 = Monthly Outdoor Budget in billing units). The drought factor can be used to further adjust the calculation during a drought emergency.

Institutional Water Budgets - Indoor and Outdoor budgets will be calculated for Institutional customers (Schools, Patton) using the same methodology as used for residential indoor and outdoor water budgets.

For Indoor budget purposes, a full-time patient will be allocated the same number of gallons per day as a residential occupant, while students will be allocated 5 gallons per day, during the billing period. Patient/Student population numbers established for billing purposes may be reviewed once every two years, upon request. For Outdoor budget purposes, irrigated turf used for recreation by institutional accounts may be considered special landscapes qualifying for Row B (above) plant factors, subject to staff review.

10.09 **Dedicated Landscape (Irrigation) Water Budget** - Water budgets for dedicated irrigation accounts are calculated using the same methodology that is used for Residential Outdoor Water Budgets (described above). Dedicated Landscape accounts receive no Tier 1 allocation.

10.10 **Commercial Water Accounts** - Commercial mixed-use water accounts no longer have water budgets based on historical usage and a 90% Tier 1, 10% Tier 2 allocation. Beginning January 1, 2025 commercial customers will be billed a uniform rate for each unit of water used. The uniform rate will be based on commercial customers' total usage and their fair share of total costs.

10.11 **Water Budget Drought Factor** - Water budgets can be adjusted in times of threatened water supply availability to reduce water allocations for customers through the use of the drought factor. When drought factors are implemented, indoor and/or outdoor water budgets can be reduced by a designated percentage, causing Tier 1 and/or Tier 2 allocations to be reduced, and Tier 3 "Inefficient Usage" charges to become effective at lower consumption levels. Drought factors can also be adjusted upward to reflect improved water supplies but not above 100%. Changes in drought factors will be established by Resolution of the District Board of Directors.

10.12 **Water Budget Adjustments** - Water budgets can also be adjusted to reflect a significant change in a customer's unique efficient water needs. Adjustment forms are available for customers on the District's website or at either of the District service counters. Rules pertaining to applicable water budget adjustments are outlined on the water budget adjustment form.

10.13 **Liability for Water Service** - The property owner shall be held liable for water service charges until such time as the District is notified in writing to transfer the account to another property owner.

10.14 **Leak Credit** - In cases where a pipe break or sprinkler malfunction leads to water use in excess of an individual water budget during one or more billing periods, the District will remove the inefficient use rate increment (difference between Tier 3 and Tier 2 rates) for up to a maximum of two concurrent billing periods ending in the billing period in which a verified repair or corrective measure was conducted. In addition, all the following conditions must be satisfied for a Leak Credit to be issued:

- The customer's water use was more than their water budget at the time of the repair;
- The customer has completed a leak credit form with the required documentation showing a repair was performed;
- The customer has returned to in-budget water use in the billing period immediately following the billing period during which the repair was completed; and
- The customer has not applied for a leak credit within the last 12 consecutive billing periods.

The District will remove the Tier 3 incremental charge by recalculating the impacted water bill(s) for all the customer's water use, including water use as a result of the leak or malfunction, at the applicable Tier 2 pricing. A leak credit form may be obtained on the District website, or by visiting the District Administrative Offices.

10.15 **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. 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.

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

10.17 **Meter Reading, Billing Period, and Due Date** - The billing will be based on the periodic meter readings which will normally range between 26 and 35 days. If a meter fails to register during any period, or is known to register inaccurately, the customer shall be charged based on estimated usage. The billings for water service are mailed approximately eight (8) days after the meter readings. Current charges are due when mailed and become past due if not paid on or before the due date. The due date shall be 20 days after the billing date. All billings are considered delivered upon mailing and the District is not responsible for non-receipt or non-delivery once mailed. Any payment envelope received by the District without a payment enclosed, or with an unsigned check, shall be considered non-payment.

10.18 **Reactivation** - If payment is not made, as stipulated above, and charges remain unpaid on the shut-off date stated on the delinquent billing notice, water service shall be discontinued, a disconnection charge assessed, and a deposit required. If an account has been disconnected for non-payment, the original bill, delinquent and disconnection charges, and a deposit must be paid before service will be reestablished. Payment for charges on an account that has been disconnected must be made in cash, money order, or charge card.

10.19 **Past Due Accounts** - Rates and charges which are not paid on or before the due dates shall be subject to interest charges. Interest will be calculated at a rate of one and one-half percent (1 1/2 %) on all amounts that remain unpaid at the end of each billing cycle. The District may secure unpaid charges by filing liens on real property, as provided by law or by any other method available to the District. In the event that legal action is brought to collect unpaid charges, the District shall be entitled to the payment of all costs, including attorney's fees. Defendant shall pay all costs associated with litigation rendered in favor of the District.

10.20 **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.

10.21 **Billing Period** - The regular billing period will be monthly.

10.22 **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 system charge.

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

10.24 **Delinquency Notice** - A delinquency notice shall be mailed to customers whose accounts are delinquent, warning that service is subject to disconnection. The delinquency notice will contain all the following:

- the name and address of the customer;
- the amount of the delinquency;
- the date by which payment arrangements must be made to avoid discontinuation of service;

- the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges;
- a description of the procedure by which the customer may request an alternative payment arrangement, including an extension, amortization, alternative payment schedule, or payment reduction;
- the procedure for the customer to obtain information on financial assistance, if applicable; and
- the telephone number where the customer may request a payment arrangement or receive additional information from the District.

Notice of any delinquency in a tenant's account shall also be sent to the owner of the property. See Section 12 of this Ordinance for Disconnection Procedures.

10.25 **Removal of Delinquency** - Once each calendar year, customers may request that the District remove one unpaid delinquency from the record of their account when one or more delinquencies have occurred during the previous 12 months.

10.26 **Legal Action** - All unpaid rates, charges and penalties herein provided may be collected by legal action or by a collection agency.

10.27 **Costs** - Defendant shall pay all costs of legal action in any judgment rendered in favor of the District, including reasonable attorney's fees.

10.28 **Discontinuing Service** - Customers desiring to discontinue service should notify the District prior to vacating the premises. Owners shall be liable for on-going charges between tenancy, and in the event of sale, up to the recording date of title to the property being transferred to a new owner. Owners shall also be responsible for charges incurred by a tenant, but that remain unpaid after the tenant has vacated the property. Upon notice, the District will seal off the meter and take a closing reading.

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 on which the customer wishes to appear and The nature of the dispute. The customer may then present the complaint and any supporting evidence and request for a decision from 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 (6) 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 NON-PAYMENT

12.01 **Disconnection for Non**-Payment - Residential water service shall be discontinued if payment for water service is not made within sixty (60) calendar days of the date of mailing the delinquent notice. All other notifications and communication required in the District's Policy on Discontinuation of Residential Water Service shall be delivered prior to disconnection. Non- residential water service may be discontinued if payment for service is not made within fifteen (15) calendar days. At no time shall the District discontinue water service at a time when the District offices are closed.

12.01.01 **Tenant Occupied Property** - If water and other services to an account, where the tenant is shown as the Customer of Record, are discontinued for non-payment, the account will be revised to show the owner as primary Customer of Record. The owner will continue to be shown as primary Customer of Record for as long as they own the property. Tenants may be shown as an additional Customer of Record with the consent of the property owner, or in the event that an account in the property owner's name is subject to disconnection.

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, payment card, 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 CHARGES 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 updated in the District's Schedule of Water and Wastewater Rates and Charges and adopted by separate Board resolution.

14.02 **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 security deposit shall be refunded to the customer as provided in Section 6.04.02 herein.

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

14.04 **Water System Charge** - The system charge is the monthly availability charge applicable to all metered services and shall apply whether premises served by the meter are occupied. This charge will vary based on the size of the meter.

14.05 **Commodity Charge** - The commodity charge is the charge per hundred cubic feet (HCF) of water registered by the District's water meter. Commodity charges are assessed in three tiers with ascending rates, and the number of HCF billed in each tier is determined by a customer's water budget as explained in a previous section of this ordinance.

14.06 **Delinquent Charge** - 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.

14.07 **Disconnection 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.

14.08 **Service Reconnect Charge** - The service 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.

14.09 **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.

14.10 **AMI Opt-Out Fee** - The AMI opt-out fee will be assessed when a customer has made written request not to have an AMI meter installed at their property and covers the costs of staff and equipment in taking a manual read of the opt-out customer's meter.

14.11 **Returned Payment Fee** - The returned payment fee is a charge which covers the reasonable administrative cost and banking charges for processing a returned check, or to respond to a disputed charge where a payment card was fraudulently used to make payment on an account. Checks received on payment of account and later returned by the bank unpaid shall also be considered as non-payment, and a returned check charge will be assessed. Accounts with one or more returned checks may be required to make future payments by cash, money order, or charge card only.

14.12 **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.

14.13 **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.

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

14.15 **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.

14.16 **Backflow Device Installation Fee** - This fee will be collected to cover the cost of the installation of a

backflow device by District staff if the property owner requests that the District install the device.

14.17 **Backflow Inspection Fee** - The charge will cover the cost of inspecting a newly installed backflow prevention device where District staff has not performed the installation.

14.18 **Backflow Compliance Testing Fees** - The charge to cover costs of District staff conducting an initial compliance test of a customer device. If District staff will conduct annual compliance tests, customers may elect to pay for the annual test with a monthly charge billed to their water account.

14.19 **Backflow Annual Administration Fee** - This fee is an annual assessment to customers to cover the cost of administering a backflow compliance program.

14.20 **Water 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.

14.21 **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. 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.

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

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

14.24 **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.

14.25 **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 14.27.

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

14.27 **Engineering New Development Service Charges** - The following Engineering/New Development Service charges will be established based on the calculated estimate of the District's time and effort spent on assisting customers who have a requirement to construct water facilities:

- Drafting of an Availability Letter
- Construction Inspection
- Drafting/preparing revisions to a Development Agreement
- Development and Engineering Research

- Development Meeting
- Easement / Quitclaim Processing
- Water/ Sewer Inquiry
- New Construction Chlorination and Flushing
- Water Quality Sampling
- Plan Checking
- Drafting a Will Serve Letter

14.28 **Construction Water Charge** - The charge for construction water will be calculated at the Tier 3 rate.

14.29 **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.

14.30 **Valve Can Deposit** - The valve can deposit is a refundable charge that is used to ensure 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.

14.31 **Charges and Deposits** - All rates, charges, fees, penalties, fines, deposits, and other methods of assessment are set by the District's Board of Directors. The General Manager, or appointed designee, may approve adjustment to any charges, late penalties, past due account fees or service deposits pursuant to the District's procedures and applicable law.

SECTION 15. WATER CONSERVATION

15.01 **Permanent Water Conservation Measures** - The District's permanent water conservation measures are in effect at all times to protect and ensure a safe and reliable water supply.

15.01.01 **Irrigation of Non-Functional Turf** - The use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited as of the following dates:

- All properties owned by the Department of General Services, beginning January 1, 2027.
- All properties owned by local governments, local or regional public agencies, and public water systems except those specified in paragraph (5), beginning January 1, 2027.
- All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.
- All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.
- All properties owned by local governments, local public agencies, and public water systems in a disadvantage community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of non-functional turf on these properties to climate-appropriate landscapes, whichever is later.

Notwithstanding the above, the use of potable water is allowed to the extent necessary to

ensure the health of trees and other perennial non-turf plantings, or to the extent necessary to address an immediate health and safety need.

15.01.02 **Excessive Irrigation and Related Waste** - No property within the District service area shall cause or permit the use of water for irrigation of landscaping or other outdoor vegetation to exceed the amount required to provide reasonable irrigation, and shall not cause or permit any unreasonable or excessive waste of water from said irrigation activities or from watering devices or systems.

15.01.03 **Run-off** - The free flow of water away from a service address is prohibited and shall be presumptively considered excessive irrigation and waste.

15.01.04 **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, except to maintain health and safety standards.

15.01.05 **Vehicle Washing** - The washing of cars, trucks or other vehicles must be conducted with a hose equipped with an automatic shut-off device, or at a commercial vehicle washing facility.

15.01.06 **Decorative Water Features** - Water fountains or other decorative water features must recirculate water.

15.01.07 **Irrigation After Measurable Rainfall** - The application of potable water to outdoor landscape for irrigation purposes during or within 48 hours after at least ¼ inch of rainfall is prohibited.

15.01.08 **Drinking Water Provided by Restaurants** - Restaurants are prohibited from serving drinking water to patrons unless requested.

15.01.09 **Restaurants** - All restaurants are required to use water conserving pre-rinse dish wash spray valves.

15.01.10 **Hotel and Motel** - Hotels and motels must offer their guests the option to not have their linens and towels laundered daily and must prominently display this option in each room.

15.01.11 **Irrigation of Ornamental Turf on Medians and Parkways** - Medians and bordering parkways located within the right-of-way are prohibited from using potable water to irrigate turf. Bordering parkways are considered the strips of non-functional ornamental turf adjacent to the street. The continued irrigation and preservation of trees is encouraged.

15.01.12 **Recreational Water Features** - Recreational water features, such as pools and spas, are encouraged to use evaporation-resistant covers.

15.01.13 **Leak Repair** - All customers and service area residents are encouraged to repair leaks to reduce water waste in a timely manner.

15.01.14 **Budget-Based Rates** - The District will maintain a budget-based rate structure to encourage efficient use of water.

15.01.15 **Metering** - The District will utilize Advanced Metering Infrastructure (AMI) meters to minimize water loss, unbilled usage, and to provide more timely information on water use.

15.01.16 **Water Use Evaluations** - The District will provide water use evaluations at no charge to customers. The District may provide historical water use data to commercial and industrial facilities for use in developing water conservation plans for their facilities.

15.01.17 **Indoor Rebate Programs** - The District will implement programs to offer rebates to customers for indoor high-efficiency appliances and fixtures.

15.01.18 **Outdoor Rebate Programs** - The District will implement programs to offer rebates to customers for high-efficiency outdoor irrigation and other outdoor water use reduction measures.

15.01.19 **Landscape Irrigation** - The District will encourage efficient outdoor use and discourage everyday watering to achieve conservation. The District may determine that landscape irrigation shall be conducted only during specific hours and/or days and may impose other restrictions on the use of water for such irrigation.

15.02 **Stage No. 1 - Water Shortage Warning**: A Water Shortage Stage 1 - Water Shortage Warning shall be in effect when the District determines there is a water shortage supply, or threatened shortage, condition of up to 10%, or if directed by an executive order or regulation. The Board of Directors may then, by resolution, declare a water shortage condition to prevail, and authorize the General Manager to enact the following conservation measures in addition to the permanent water conservation measures. During these conditions, all water customers are advised to 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.

15.02.01 **Outreach and Education** - The District will implement outreach and education programs encouraging outdoor and indoor water use efficiency.

15.03 **Stage No. 2 - Moderate Water Shortage**: A Water Shortage Stage 2 - Moderate Water Shortage shall be in effect when the District determines there is a water supply shortage, or threatened water shortage, condition of up to 20%, or if directed by an executive order or regulation. The Board of Directors may then, by resolution, declare a water shortage condition to prevail and authorize the General Manager to enact the following conservation measures, in addition to the permanent water conservation measures and water conservation measures implemented in Stage No. 1.

15.03.01 **Leak Repair** - Customers are encouraged to repair water leaks within 72 hours of notification from the District.

15.03.02 **Outreach and Education** - The District will expand its public information campaign on the water supply conditions and encourage efficient water use indoors and outdoors.

15.04 **Stage No. 3 - Significant Water Shortage**: A Water Shortage Stage 3 - Significant Water Shortage shall be in effect when the District determines there is a water shortage supply, or threatened shortage, condition of up to 30%, or if directed by an executive order or regulation. The Board of Directors may then, by resolution, declare a water shortage condition to prevail, and authorize the General Manager to enact the following conservation measures in addition to the permanent water conservation measures and conservation measures implemented in Stage No. 1 and Stage No. 2.

15.04.01 **Decorative Water Features** - Customers are encouraged to not empty, refill, or add water to decorative water features, including ponds, fountains, and artificial lakes. Exceptions may be made by the General Manager to sustain biological life, such as fish, or for municipally owned or operated ponds.

15.04.02 **Recreational Water Features** - Customers are encouraged to not empty, refill, or add water to recreational water features, such as pools or spas. Exceptions may be made by the General

Manager for municipally owned or operated pools.

15.04.03 **Non-recirculating Water Systems** - Customers are encouraged to retrofit non-recirculating systems at car washes and commercial laundry facilities to install recirculation systems.

15.04.04 **Leak Repair** - Customers must repair leaks within 48 hours of notification from the District.

15.05 **Stage No. 4 - Severe Water Shortage Emergency**: A Water Shortage Stage 4 - Severe Water Shortage shall be in effect when the District determines there is a water shortage supply, or threatened shortage, condition of up to 40%, or if directed by an executive order or regulation. The Board of Directors may then, by resolution, declare a water shortage condition to prevail, and authorize the General Manager to enact the following conservation measures in addition to the permanent water conservation measures and conservation measures implemented in Stages No. 1, 2, and 3.

15.05.01 **Vehicle Washing** - The washing of cars, trucks or other vehicles is not permitted except at commercial vehicle washing facilities.

15.05.02 **Decorative Water Features** - Emptying, refilling, or adding water to decorative water features is prohibited. Exceptions may be made to sustain biological life, such as fish, or for municipally owned or operated ponds. Requests for variances in water budgets will not be accepted.

15.05.03 **Recreational Water Features** - Emptying, refilling, or adding water to recreational water features is prohibited. Exceptions may be made by the General Manager for municipally owned or operated pools. Requests for variances in water budgets will not be accepted.

15.05.04 **Leak Repair** - Customers must repair leaks within 24 hours of notification from the District.

15.05.05 **Indoor Rebate Programs** - The District will expand its indoor rebate program to assist customers with mandatory conservation efforts.

15.05.06 **Outdoor Rebate Programs** - The District will expand its outdoor rebate program to assist customers with mandatory conservation efforts.

15.05.07 **Outreach and Education** - The District will expand targeted communications focusing on customers with Tier 3 usage and provide educational opportunities, including workshops, classes, and other public-facing community events.

15.06 **Stage No. 5 - Critical Water Shortage**: A Water Shortage Stage 5 - Critical Water Shortage shall be in effect when the District determines there is a water supply shortage, or threatened shortage, condition of up to 50%, or if directed by an executive order or regulation. The Board of Directors may then, by resolution, declare a water shortage condition to prevail, and authorize the General Manager to enact the following conservation measures in addition to the permanent water conservation measures and conservation measures implemented in Stages No. 1, 2, 3, and 4.

15.06.01 **Decorative Water Features** - Filling or adding potable water to decorative water features is prohibited except to sustain biological life.

15.06.02 **Landscape Irrigation** - Upon direction of the General Manager, all potable irrigation of turf is prohibited unless stated otherwise. These limitations do not apply to drought-tolerant landscapes, including trees and shrubs.

15.06.03 **Construction Water** - Upon direction of the General Manager, the use of potable water for construction site preparation purposes may be prohibited, other than to maintain necessary fire and safety standards.

15.06.04 **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 determination by the General Manager, these persons may be required to prepare a plan within 30 days of request by the District describing their irrigation practices and equipment, including but not limited to actions to be taken to improve water use efficiency or justification that water use on the property is the most efficient possible. The District will provide these facilities with information regarding the average monthly water use by the facility for the last two-year period and a free water use evaluation will be provided upon request. After review and approval by the General Manager, the plan shall be considered subject to inspection and enforcement by the District.

15.07 **Stage No. 6 - Water Shortage Emergency**: A Water Shortage Stage 6 - Water Shortage Emergency shall be in effect when the District determines there is a water shortage supply, or threatened water shortage, condition of over 50%, or if directed by an executive order or regulation. The Board of Directors may then, by resolution, declare a water shortage condition to prevail, and authorize the General Manager to enact the following conservation measures in addition to the permanent water conservation measures and conservation measures implemented in Stages No. 1, 2, 3, 4, and 5.

15.07.01 **Non-recirculating Water Systems** - Operation of non-recirculating systems at car washes and commercial laundry facilities are prohibited.

15.07.02 **Landscape Irrigation** - Upon direction of the General Manager, all potable landscape irrigation is prohibited.

15.07.03 **Construction Meters** - No new construction meter permits shall be issued by the District. All existing construction meters shall be removed and/or locked, with the exception of critical infrastructure projects.

15.07.04 **Parks, Schools, and Golf Courses** - Upon direction of the General Manager, watering of parks, school grounds and golf courses is prohibited.

15.07.05 **Commercial Nurseries and Livestock** - Commercial nurseries shall discontinue all watering and irrigation to permanent crops that take >5 years to replace. Watering of livestock is permitted as necessary.

15.08 **Implementation and Termination of Mandatory Compliance Stages** - The General Manager of the District shall monitor the supply and demand for water on a regular basis to determine the level of conservation required by the implementation or termination of the Water Shortage Stages and shall notify the Board of Directors of the necessity for the implementation or termination of each stage. In the event of a water shortage condition or threatened water shortage which could affect the District's ability to provide water for ordinary domestic and commercial uses, the Board of Directors shall provide public notice and hold a public hearing at which customers shall have the opportunity to present their respective needs to the District. Each declaration of the Board of Directors implementing, or terminating, a water conservation stage shall be declared via resolution and 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 via resolution, as provided herein.

15.08.01 **General Manager Emergency Authority** - The Board of Directors authorizes the General Manager to implement and enforce measures necessary to remain in compliance with

emergency statewide mandatory conservation measures. Actions taken by the General Manager in accordance with State regulations outside of those listed in this Ordinance must be reported to the Board at the next regularly scheduled meeting.

15.09 **Exceptions - Application for Exception Permits** - The General Manager may grant permits for uses of water otherwise prohibited under the provisions of this Ordinance if they find and determine that restrictions herein would either:

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

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

15.09.03 **Exceptions Granted** - Such exceptions may be granted only upon written request therefor. Upon granting such exception permit, the General Manager may impose any conditions they determine to be just and proper.

15.09.04 **Enforcement and Inspection** - Authorized employees of the District, after providing 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.

15.10 **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.

15.11 **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 below. Appeals for violation penalties may be granted as outlined in Section 15.13.01 of this Ordinance.

15.11.01 **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 15.12 below.

15.11.02 **Second Violation: $100 Surcharge** - For a second violation of this Ordinance within a 12-month period, or failure to comply with the notice of violation within thirty (30) days after notice of imposition, a one-month penalty surcharge of $100 is hereby imposed for the meter through which the wasted water was supplied.

15.11.03 **Third Violation: $300 Surcharge** - For a third violation of this ordinance within a 12-month period, or for continued failure to comply within thirty (30) days after notice of an imposition of second violation sanctions, a one-month penalty surcharge in the amount of $300 is hereby imposed for the meter through which the wasted water was supplied.

15.11.04 **Fourth Violation: $500 Surcharge** - For a fourth violation of this ordinance within a 12-month period, or for continued failure to comply within thirty (30) days after notice of an imposition of third violation sanctions, a one-month penalty surcharge in the amount of $500 is hereby imposed for the meter through which the wasted water was supplied.

15.11.05 **Fifth Violation: $500 Surcharge and/or Installation of a Flow Restrictor** - For a fifth

violation of this ordinance within a 12-month period, or for continued failure to comply within thirty (30) days after notice of an imposition of fourth violation sanctions, a one-month penalty surcharge in the amount of $500 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. The charge for removal of the flow- restricting device and restoration of normal service shall be based on the actual cost of removal. Such restoration of service shall not be made until the General Manager of the District has determined that the water user has provided reasonable assurances that future violations of this Ordinance by such user will not occur.

15.11.06 **Subsequent Violations: Discontinuance of Service** - For any subsequent violation of this Ordinance, while in Stage No. 6, within the twenty-four (24) calendar months after a first violation as provided in Section 15.11.01 hereof, the penalty surcharge provided in Section 15.11.02 through Section 15.11.05 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.

15.12 Notice of Violation

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

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

15.12.03 **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.

15.12.04 **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 a hearing on the violation.

15.13 **Community Advisory Commission** - The District may establish a Community Advisory Commission (Commission) consisting of District customers appointed by the Board of Directors to serve in the capacity as herein described. The number of commissioners shall be determined by resolution of the Board of Directors. The Commission is authorized to hear appeals from enforcement decisions made by the General Manager for violations of the water conservation measures provided in Section 15 of this ordinance. The Commission shall serve as an advisory body to the Board of Directors. The Board of Directors shall consider the recommendations of the Commission but will not be bound thereby.

15.13.01 **Hearings** - Any customer or property owner against whom a penalty is levied pursuant to this ordinance (Appellant) shall have a right to a hearing, in the first instance by the General Manager, with the right to appeal to the Commission. Within fifteen (15) days of the date of the alleged violation, the Appellant may submit a written request for a hearing to the District Secretary. The hearing shall be conducted by the General Manager within thirty (30) days from the date of the written request submitted to the District Secretary. The General Manager shall issue their ruling in writing. The Appellant may appeal the ruling of the General Manager within ten (10) days thereof by filing written notice of appeal with the District Secretary. At the next regularly scheduled Commission meeting, the Appellant may appear and present evidence in support of their appeal. The Commission will issue a written recommendation to the Board of Directors who will issue a final determination of the appeal. The Board of Directors may issue its final determination based upon the recommendation of the Commission or may call for an additional hearing. The ruling of the Board of Directors shall be final and binding upon the Appellant and the District.

SECTION 16. EFFECTIVE DATE

This Ordinance shall take effect and replace Ordinance No. 406 upon adoption.
Adopted this 28th day of October 2026.

ROLL CALL VOTE:
Ayes: Directors: Carrillo, Coats, Goodrich, Morales, Smith
Noes: None
Absent: None
Abstain: None

Ronald L. Coats
Board President

ATTEST:

Michael Moore
Secretary, Board of Directors

October 28, 2026

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Ordinance No. 409 adopted by the Board of Directors of East Valley Water District at its Regular Meeting held October 28, 2026.

Michael Moore
Secretary, Board of Directors