

RULES AND REGULATIONS OF
THE SAN LORENZO WATER DISTRICT
(Adopted February 4, 2016)

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TABLE OF CONTENTS

ARTICLE I. GENERAL PROVISIONS.....	1
SECTION 1.01 FAILURE TO COMPLY	1
SECTION 1.02 PUBLIC RECORDS REQUEST ACT	1
SECTION 1.03 REMOVAL OF RECORDS.....	1
SECTION 1.04 SEVERABILITY	1
ARTICLE II. WATER DISTRICT	2
SECTION 2.01 EMPLOYEES	2
ARTICLE III. APPLICATION FOR REGULAR WATER SERVICE	3
SECTION 3.01 WATER SERVICE APPLICANT	3
SECTION 3.02 WATER SERVICE APPLICATION	3
SECTION 3.03 PROPERTY OWNERS RESPONSIBLE FOR BILLS.....	3
SECTION 3.04 APPLICANT’S COMPLIANCE WITH RULES AND REGULATIONS OF DISTRICT	3
SECTION 3.05 APPLICATION PAYMENT	3
SECTION 3.06 INITIATION OF SERVICE	3
SECTION 3.07 SERVICE INSTALLATION	4
SECTION 3.08 PRIVATE PRESSURE REGULATING VALVE	4
SECTION 3.09 FACILITY OWNERSHIP	4
SECTION 3.10 APPLICATION EXPIRATION	4
SECTION 3.11 APPEAL OF EXPIRED APPLICATION	4
SECTION 3.12 HANDLING OF CONNECTION CHARGE	4
SECTION 3.13 WRITTEN REQUEST FOR SETTING METER.....	5
SECTION 3.14 REFUND REQUEST.....	5
ARTICLE IV. GENERAL USE REGULATIONS	6
SECTION 4.01 NUMBER OF SERVICES PER PREMISES.....	6
SECTION 4.02 SUPPLY TO SEPARATE PREMISES.	6
SECTION 4.03 SUPPLY TO MULTIPLE USERS.	6
SECTION 4.04 CHARGES TO MULTIPLE USERS.....	6
SECTION 4.05 WATER WASTE.	6
SECTION 4.06 RESPONSIBILITY FOR EQUIPMENT ON CUSTOMER PREMISES.....	6
SECTION 4.07 DAMAGE TO WATER SYSTEM FACILITIES.	7
SECTION 4.08 CONTROL VALVE ON THE CUSTOMER PROPERTY.	7
SECTION 4.09 INTERRUPTIONS IN SERVICE.	7
SECTION 4.10 INGRESS AND EGRESS.	7
SECTION 4.11 RESALE OF WATER.....	7
SECTION 4.12 HEALTH AND SAFETY—DISCONTINUANCE OF SERVICE.	7
SECTION 4.13 BOOSTER DEVICE.....	7
SECTION 4.14 CUSTOMER’S FACILITIES.....	8
SECTION 4.15 UNAUTHORIZED WATER DISTRIBUTION FACILITIES.	8
ARTICLE V. METERS	9
SECTION 5.01 INSTALLATION.	9
SECTION 5.02 METER INSTALLATIONS.	9
SECTION 5.03 CHANGE IN LOCATION OF METERS.....	9
SECTION 5.04 METER READING.	9

SECTION 5.05	OBSTRUCTION OF METER.....	9
SECTION 5.06	METER TESTS—DEPOSIT.	9
SECTION 5.07	ADJUSTMENT FOR METER ERRORS.	10
SECTION 5.08	METER MAINTENANCE.....	10
SECTION 5.09	METER TEST DEPOSIT, AMOUNT OF.	10
SECTION 5.10	POLICY ON WATER CONNECTION TRANSFERS.	10
SECTION 5.11	DEVELOPMENT OF A TRANSFER TRACKING SYSTEM.	10
SECTION 5.12	EXCLUSIONS FROM THE WATER METER TRANSFER POLICY.....	10
SECTION 5.13	CONDITIONS ON THE TRANSFER OF WATER METERS.....	10
SECTION 5.14	METERS EXISTING IN DISTRICT RECORDS.	11
ARTICLE VI.	CREDIT.....	12
SECTION 6.01	ESTABLISHMENT AND MAINTENANCE OF CREDIT.....	12
SECTION 6.02	APPLICATION OF DEPOSIT TO WATER BILL.	12
SECTION 6.03	REPLACEMENT OR CHANGE OF DEPOSIT.	12
SECTION 6.04	RETURN OF DEPOSIT.	12
ARTICLE VII.	BILLING.....	13
SECTION 7.01	BILLING PERIOD.....	13
SECTION 7.02	OPENING AND CLOSING BILLS.	13
SECTION 7.03	PAYMENT OF BILLS.	13
SECTION 7.04	COMMENCEMENT OF LIABILITY FOR MONTHLY BASIC CHARGE.....	13
SECTION 7.05	SPECIAL REQUEST BILLING PERIODS.....	13
SECTION 7.06	BILLINGS OF SEPARATE METERS NOT COMBINED.	13
SECTION 7.07	EXEMPTION FROM LIABILITY FOR BASIC MONTHLY CHARGE DUE TO STORM DAMAGE	13
SECTION 7.08	AUTOMATIC TIME EXTENSION	14
ARTICLE VIII.	DISCONTINUANCE OF SERVICE	15
SECTION 8.01	DISCONNECTION FOR NON-PAYMENT.	15
SECTION 8.02	CHARGES DURING DISCONTINUANCE OF SERVICE.....	15
SECTION 8.03	UNSAFE APPARATUS.	15
SECTION 8.04	CROSS CONNECTIONS.....	15
SECTION 8.05	FRAUD OR ABUSE.	15
SECTION 8.06	NON-COMPLIANCE WITH REGULATIONS.	15
SECTION 8.07	DISCONTINUANCE UPON VACATING PREMISES.	15
ARTICLE IX.	COLLECTION.....	16
SECTION 9.01	PENALTY.	16
SECTION 9.02	SUIT.	16
SECTION 9.03	48-HOUR NOTICE.	16
SECTION 9.04	CHARGE FOR RETURNED CHECK	16
SECTION 9.05	INSTALLMENT PAYMENTS, INTEREST.	16
SECTION 9.06	LIEN PROCEDURE FOR UNPAID CHARGES FOR WATER OR OTHER SERVICES.	16
SECTION 9.07	DEDUCTING DELINQUENCIES AND OTHER DEBTS FROM DISBURSEMENTS.....	17
SECTION 9.08	TRANSFER OF DELINQUENT ACCOUNT TO ACTIVE ACCOUNT OF SAME OWNER.	17
SECTION 9.09	COLLECTION OF CURRENT YEARLY AND DELINQUENT CHARGES FOR WASTEWATER MANAGEMENT SYSTEMS AND SERVICES WITH GENERAL TAXES: AUTHORIZATION.	18
SECTION 9.10	ADOPTION OF COLLECTION PROCEDURE.	18
SECTION 9.11	ELECTION BY BOARD OF DIRECTORS TO COLLECT FEES ON TAX ROLL.	18
SECTION 9.12	WRITTEN REPORT.....	18

SECTION 9.13	PUBLICATION OF NOTICE OF REPORT AND HEARING.	18
SECTION 9.14	MAILED NOTICE.	18
SECTION 9.15	NOTICED PUBLIC HEARING.	19
SECTION 9.16	DETERMINATION BY BOARD.	19
SECTION 9.17	FILING OF REPORT.	19
SECTION 9.18	LIEN.	19
SECTION 9.19	INCLUSION OF CHARGES IN BILLS FOR TAXES.	19
SECTION 9.20	COLLECTION; DELINQUENCY DATE; PENALTY.....	19
SECTION 9.21	LIEN; RECORDING, FORCE, EFFECT, AND PRIORITY.....	20
ARTICLE X.	COMPLAINTS AND DISPUTED BILLS.....	21
SECTION 10.01	REPORT AND ADJUSTMENTS.	21
SECTION 10.02	COMPLAINTS AT BOARD HEARING.	21
SECTION 10.03	DISPUTED BILLS.....	21
SECTION 10.04	WATER BILL ADJUSTMENT	21
ARTICLE XI.	PRIVATE FIRE PROTECTION SERVICE	23
SECTION 11.01	PAYMENT OF COST.	23
SECTION 11.02	NO CONNECTION TO OTHER SYSTEM.	23
SECTION 11.03	USE.....	23
SECTION 11.04	METER RATES.	23
SECTION 11.05	MONTHLY RATES.	23
ARTICLE XII.	RATES AND CHARGES.....	ERROR! BOOKMARK NOT DEFINED.
SECTION 12.01	ESTABLISHMENT OF RATES AND CHARGES.....	24
SECTION 12.02	CONNECTION FEE – BEAR CREEK ROAD MAIN EXTENSION.....	24
SECTION 12.03	CONNECTION FEE	24
SECTION 12.04	EXEMPTION	24
SECTION 12.05	METER INSTALLATION FOR REGULAR WATER SERVICE, CHARGES FOR	24
SECTION 12.06	WATER CHARGES – REGULAR SERVICE	25
SECTION 12.07	WATER CHARGES - SURPLUS WATER	26
SECTION 12.08	ACCOUNT ESTABLISHMENT DEPOSIT AND CHARGE	26
SECTION 12.09	SIZING OF METERS.....	26
SECTION 12.10	CONNECTION CHARGES	26
SECTION 12.11	WATER METER REVIEW SHEET	26
SECTION 12.12	CUSTOMER RESPONSIBILITY FOR WORN-OUT METERS.....	26
SECTION 12.13	EXCLUSION OF LIABILITY FOR LOSS OR SUPPLY OR PRESSURE	27
SECTION 12.14	WATER USE.....	27
SECTION 12.15	SIGNATURE ON WAIVER.....	27
SECTION 12.16	RESIDENTIAL FIRE SPRINKLER SYSTEM	27
SECTION 12.17	COLLECTION CHARGE	27
SECTION 12.18	RECONNECTION CHARGE	28
ARTICLE XIII.	SEWERAGE RULES, REGULATIONS, RATES, AND CHARGES	29
SECTION 13.01	SERVICE CHARGE	29
SECTION 13.02	REGULATION OF SEWERAGE DISCHARGE—BEAR CREEK ESTATES.....	29
SECTION 13.03	SEWER SERVICE RATES AND CHARGES.....	36
ARTICLE XIV.	CONTRACTS AND PURCHASING	38
SECTION 14.01	GENERAL.....	38
SECTION 14.02	PUBLIC NOTICE.	38

SECTION 14.03	LOWEST RESPONSIBLE BIDDER	38
SECTION 14.04	REJECTION OF BIDS.	38
SECTION 14.05	INFORMAL BIDDING PROCEDURE.....	38
SECTION 14.06	FORMAL BIDDING PROCEDURES.....	38
SECTION 14.07	WAIVER OF PROVISIONS--\$500 OR LESS	39
SECTION 14.08	SIGNING OF CONTRACTS.	39
SECTION 14.09	PROFESSIONAL, SPECIALIZED, CONSULTANT OR SOLE SOURCE.....	39
ARTICLE XV.	CROSS CONNECTION CONTROL PROGRAM	40
ARTICLE XVI.	WELLS.....	41
SECTION 16.01	PERMIT REQUIREMENT.....	41
SECTION 16.02	PERMIT PROCEDURE.....	41
SECTION 16.03	EXEMPTION FOR PRE-EXISTING WELLS.....	41
SECTION 16.04	WELL FAILURE.	42
SECTION 16.05	RESERVATION OF DISTRICT'S RIGHT TO SERVE PUBLIC.....	42
SECTION 16.06	EXPIRATION OF PERMITS.....	42
SECTION 16.07	INVESTIGATION.	42
SECTION 16.08	ORDER TO ABATE NUISANCE.	42
SECTION 16.09	GROUNDWATER EMERGENCY.	43
SECTION 16.10	ENFORCEMENT.....	44
SECTION 16.11	VIOLATION A MISDEMEANOR; PUNISHMENT.....	44
SECTION 16.12	CONFLICTS.....	44

Article I. GENERAL PROVISIONS

Section 1.01 Failure to Comply

For the failure of the customer to comply with the provisions of these Rules and Regulations, and any ordinance or resolution adopted pursuant to these Rules and Regulations, or any ordinance, resolution or order fixing rates and charges of this District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and water shall not be supplied such customer until the customer has complied with the rule or regulations, rate or charge violated or, in the event that he cannot comply with said rule or regulation, until the District is satisfied that in the future the customer will comply with all the rules and regulations established by these Rules and Regulations and with all rates and charges of this District. In addition, the customer shall pay the District for renewal of services such sum as the Board of Directors of the District shall by resolution fix.

Section 1.02 Public Records Request Act

The District will comply with the California Public Records Act, Government Code Section 6250 and following, and with California Civil Discovery Statutes, Section 2016 and following.

Section 1.03 Removal of Records

No Original, Historical and Archived documents shall be removed from the District offices. Copies, duplicates or reproductions of District records may be released from the District Offices in accordance with these Rules and Regulations and other applicable law.

Section 1.04 Severability

If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of these Rules and Regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these Rules and Regulations, and the Board declares that these Rules and Regulations and phrases thereof would have been adopted irrespective of the fact that one or more of such sections, subsection, paragraph, sub-paragraph, sentence, clause and phrases thereof would have been adopted irrespective of the fact that one or more of such sections, subsections, paragraph, subparagraph, sentence, clause, or phrase be declared invalid or unconstitutional.

Article II. WATER DISTRICT

Section 2.01 Employees

The Board may authorize the employment of such employees as are reasonably necessary for the proper administration, operation, maintenance and repair of the District water system and to fix the compensation to be paid such personnel.

Article III. APPLICATION FOR REGULAR WATER SERVICE

Section 3.01 Water Service Applicant

Each applicant for regular water service shall be required to sign on a form provided by the District.

Section 3.02 Water Service Application

Each application shall include the following information:

- (a) Date of application
- (b) Name of applicant
- (c) Street of address of property to be served
- (d) The assessor's parcel number of the property to be served
- (e) Address to which bills shall be mailed
- (f) Applicant's ownership in the property.
- (g) Whether the service is for residential, commercial, industrial or institutional use.

Section 3.03 Property Owners Responsible for Bills

In any instance in which the owner of the premises does not occupy the premises as a use or is not the primary user, the owner of the premises shall, nevertheless, be primarily responsible for service to the property. Bills shall be mailed to the owner at the property owner's address appearing on the application for service or to such other address as the owner may direct in writing. In any event, the owner shall be responsible for all water service to the property owner's premises.

Section 3.04 Applicant's Compliance with Rules and Regulations of District

Such application will signify the customer's willingness and intention to comply with these Rules and Regulations and other ordinances or regulations relating to the regular water service and to make payment for water service required.

Section 3.05 Application Payment

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

Section 3.06 Initiation of Service

Upon receiving the application and upon compliance with applicable rules and regulations of the District, for locations with existing service and meter, the District will commence water service upon the payment of a fee to cover the average cost of commencing such service. The current average cost is listed on the published

Schedule or Rates and Charges. Upon receiving the application and upon compliance with other applicable rules and regulations; for locations with no existing service and meter, the District will install a service connection and meter upon payment of fees designed to reimburse the District for the cost of the facilities required.

Section 3.07 Service Installation

Regular water service will be installed at the location determined by the Water District. Service installations will be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements. Applicant shall install a control valve and piping which shall extend to that point on the curb line or property line offering the easiest access to the District from the existing distribution system. The control valve shall be for the purpose of controlling the flow of water to the piping on customer's premises.

Section 3.08 Private Pressure Regulating Valve

The District shall not be responsible for damage to a customer's piping, appliances and facilities occasioned by excessive or fluctuating pressure. To protect the customer's piping, appliances and facilities against excessive or fluctuating pressure, the applicant may install a pressure regulating valve.

Section 3.09 Facility Ownership

All facilities installed between the main and meter outlet, including the service connection and meter shall be and shall remain the property of the District and may be accessed, maintained, repaired or replaced by the water District without the consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining such facilities on private property. The necessary piping and main valve and pressure regulator located beyond the meter outlet shall be the property of the customer and shall be maintained by the customer.

Section 3.10 Application Expiration

Every application for new service shall become null and void 90 days from the date of the application if the applicant fails to complete necessary actions.

Section 3.11 Appeal of Expired Application

An applicant whose application has been determined by the Water District to have become null and void may appeal such determination to the Board of Directors.

Section 3.12 Handling of Connection Charge

Upon application to the District, and determination by the District that the property for which water service is requested can be served, the District shall place the connection charge into a separate fund. The money shall remain in said fund until it is either 1) refunded to the customer if the application for service is denied,

withdrawn, or expires, or 2) transferred to the Capital Improvement Fund after the water meter is installed. Interest on any such funds shall be retained by the District.

Section 3.13 Written Request for Setting Meter

The District shall not set the water meter until the applicant has filed with the District a written request for setting the meter.

Section 3.14 Refund Request

Any property owner who has filed an application for water service with the District, paid the connection and installation charges, and the water meter has not been set, may file a request for a refund of the water service connection and installation charges. Said request may be processed administratively by the District Manager if any of the following apply:

- (a) If the property owner filed the application for service and paid the water service connection and installation charges, and the water meter has not been set, before June 19, 1981, the grounds for granting the request for a refund shall be either:
 - (i) Changed physical conditions of the subject parcel which render the parcel undevelopable; or
 - (ii) Changes in Federal, State or local laws or regulations or other governmental actions which significantly affect the development potential of the property in an adverse manner.
- (b) Upon the refund of the connection and installation charges, any and all rights or commitments to applicant's subject property are total abrogated and released.
- (c) If the meter has been set, the property owner may file a request for a hearing regarding a refund of the water service connection charges before the Board of Directors, as follows:
 - (i) The property owner shall file a written request for a hearing addressed to the Board or Directors, submitted to the District at its Main Office Address.
 - (ii) The request should include the name(s) and address(es) of the property owner(s); the address of the property; the Assessor's Parcel No., and a statement of the facts and grounds supporting the request.
 - (iii) The request will be heard by the Board within 45 days following receipt of the request. The District will provide written notice to the property owner of the time, date and place of the hearing at least 10 days in advance of the hearing. At the hearing before the Board, the applicant may present written and/or oral evidence or testimony. The hearing may be continued by the Board to a specified date and time.

Article IV. GENERAL USE REGULATIONS

Section 4.01 Number of Services Per Premises.

The applicant may apply for as many services as may be reasonably required for the applicant's premises provided that the pipeline system from each service shall be independent of the others and that they may not be interconnected. The cost of all services over and above the initial service shall be borne by the applicant

Section 4.02 Supply to Separate Premises.

No more than one premises shall be served from each service connection.

Section 4.03 Supply to Multiple Users.

Separate houses, buildings, living or business quarters, such as motels, mobile home parks and the like, under a single control or management, may be served by any of the following methods:

- (a) Through separate service connections to each or any unit, provided that the pipeline system from each service is independent of the others and that they are not interconnected.
- (b) Through a single service connection to the entire premises.
- (c) In the event that any separate house, building, living or business quarter is severed from the balance of the property, the property so severed shall be required to provide a separate service connection.

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

Section 4.04 Charges to Multiple Users.

Charges for water service to multiple users may be fixed by the Board by resolution.

Section 4.05 Water Waste.

No consumer shall knowingly permit leaks or waste of water.

Section 4.06 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 the consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining facilities on private property.

Section 4.07 Damage to Water System Facilities.

The customer shall be liable for any damage to the District-owned customer water service facilities when such damage results from causes originating on the premises. The cost for repairing any such damage shall be paid by the customer, and the cost shall be due and payable to the District upon the District's rendering a bill therefor.

Section 4.08 Control Valve on the Customer Property.

The customer shall provide a valve on the customer side of the service installation to control the flow of water to the piping on the customers premises. The customer shall not use the service curb stop to turn water on and off for the customer's convenience.

Section 4.09 Interruptions in Service.

The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the water district. Temporary shutdowns may be made by the water district to maintain the system or to make improvements and repairs. Whenever possible and as time permits, all customers and fire departments affected will be notified prior to making such shutdowns. Affected fire departments will be notified promptly upon restoration of service.

Section 4.10 Ingress and Egress.

Representatives from the water district shall have the right of ingress and egress to the customer premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

Section 4.11 Resale of Water.

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

Section 4.12 Health and Safety—Discontinuance of Service.

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

Section 4.13 Booster Device.

The District prohibits the attachment of any booster pump to a service on the customer's side of the meter and the use of any other method whereby the customer's share of available water from the water main to which the meter is attached is increased beyond the amount which would otherwise be delivered through such meter.

Section 4.14 Customer's Facilities.

The District shall not be responsible for open appliances or faulty fixtures or broken or damaged pipes nor for loss of water beyond the customer's side of the meter outlet.

Section 4.15 Unauthorized Water Distribution Facilities.

In the event that a District representative identifies unauthorized water distribution facilities or water access facilities that connect to the District water system, or otherwise provide access to, convey or transport District water, a District representative may remove or disable such unauthorized water distribution devices or facilities and may store same at the District Office until such user(s) or customer(s) comply with District rules and regulations and State and local law regulating water services.

Article V. METERS

Section 5.01 Installation.

All services shall be metered. A sum of money as set forth in the rate schedules shall be deposited with the District prior to installation of the facilities to pay all of the cost of said installation. Title to the meters shall be held by the District.

Section 5.02 Meter Installations.

The District shall install meters as close to the curb or property line as possible. Exact meter placement shall be at the discretion of the District, taking into consideration such factors as physical features, ease of access, easements and right-of-ways.

Section 5.03 Change in Location of Meters.

Meters relocated for the convenience of the customer will be relocated at the customer's expense. An advance deposit shall be required for every relocation as listed on the current Schedule or Rates and Charges. Any relocation must be approved by the District Manager. Meters moved to protect the District's property will be moved at the District's expense. Meters shall be relocated only by the water District or under its supervision. By resolution the Board may provide for the customer's paying for a new service if the relocation of the meter exceeds a distance specified in the resolution. This section applies only to the change in location of a meter at a single premise.

Section 5.04 Meter Reading.

Meters will be read monthly.

Section 5.05 Obstruction of Meter.

It is the responsibility of the customer to maintain clear access to the meter at all times. No earth, rock, pavement, vegetation, construction, appurtenances, vehicle or obstructions of any kind whatsoever shall be allowed to interfere with or obstruct access of District personnel or representatives in the performance of their duties regarding the meter and its appurtenances and District facilities. Violation of this section shall result in District personnel posting on the premises a written notice of violation with directions to correct the problem within five days. Failure to correct the violation within five days after the notice is posted shall result in the District employing whatever alternate means are necessary to proceed with District operations, and all costs incurred plus a ten percent penalty as a result of failure to timely correct the violation and maintain clear access to the District meter shall be charged to the customer.

Section 5.06 Meter Tests—Deposit.

All meters will be tested prior to installation, and no meter will be installed which registers more than two per cent (2%) fast. Any customer may request that the meter serving the customer's premises be tested by the water district. Such

request shall be in writing and shall be accompanied by a deposit as fixed by the Board by resolution. Upon receipt of such request and the required deposit, the District Manager shall cause the meter to be tested. The customer shall have the right to require the District to conduct the test in the customer's presence, or in the presence of the customer's representative. If the meter is found to register more than two per cent more water than actually passes through it, the deposit will be returned by the District.

Section 5.07 Adjustment for Meter Errors.

If the meter shall be found to register over two percent more water than actually passes through it, the water bill for the current month shall be adjusted proportionately.

Section 5.08 Meter Maintenance.

The District shall maintain, repair and renew all meters when such maintenance, repair, or renewal is made necessary by reason of normal wear and tear.

Section 5.09 Meter Test Deposit, Amount of.

The meter testing deposits required to be made shall be \$25.00.

Section 5.10 Policy on Water Connection Transfers.

No water service connections or meters shall be transferred from one premises or parcel to another as provided herein.

Section 5.11 Development of a Transfer Tracking System.

The District Manager shall develop and implement a Water Meter Transfer Tracking System in the District.

Section 5.12 Exclusions from the Water Meter Transfer Policy.

No meter shall be transferred if any of the following situations occur:

- (a) A main extension is required.
- (b) Any exceptions to District rules and regulations are required.
- (c) A parcel to which a meter is to be transferred is located in a water connection moratorium area.
- (d) A parcel to which a meter is to be transferred requires a larger meter, a different building zoning, different uses or requirements.
- (e) The parcel from which the meter is to be transferred is developed or has an existing structure which is, or has been served by the meter to be transferred.

Section 5.13 Conditions on the Transfer of Water Meters.

Water meter transfers are subject to the following conditions.

- (f) A customer must file a written request for a water service meter transfer with the Board describing the transfer and the reasons for such a transfer.
- (g) The Board shall consider a maximum of 5 transfers per year and give approval to transfer requests only during July of any year.
- (h) The customer may transfer a water meter service from and to another parcel within the District only if that customer is the owner of record of both parcels.
- (i) In no event shall service be permitted to both the transferor and the transferee parcels at the same time. Upon transfer of the water service meter to a different parcel, all service to the other parcel shall be terminated.
- (j) For parcels that have had their connection transferred away, reinstatement of meters and service connection meter fees are to be paid according to the current Schedule or Rates and Charges.
- (k) The District Manager shall note on all applications for connections, that the meter may be transferred and the property owner is advised to check with the District to ensure a meter is currently on the parcel.
- (l) All transfers shall be approved only if a document is recorded with the property the meter has been transferred from showing that the meter for the property no longer exists.
- (m) Customers transferring meters shall pay all costs for termination of the old service and installation of the transferred meter in accordance with District rules and regulations, less credit for any previous payments toward installation costs, if the meter has not already been installed.
- (n) Transfers require the installation of the proposed meter to be transferred, and termination of any existing service facilities on the parcel from which the meter was transferred, within 60 days of approval by the Board.

Section 5.14 Meters Existing in District Records.

Only connections existing in District records shall be honored for transfer by the District. All other parcels not shown in District records as having a water meter connection shall be subject to these Rules and Regulations on Connection fees.

Article VI. CREDIT

Section 6.01 Establishment and Maintenance of Credit.

The Board, as prescribed by resolution, may require from each applicant for water service a security deposit in an amount not exceeding one year's charges either from persons receiving water service or from the owners of the property to which or in connection with which water service is rendered. The Board may require a guarantee by the owner of property that bills for service to the property or the occupants thereof will be paid.

Section 6.02 Application of Deposit to Water Bill.

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

Section 6.03 Replacement or Change of Deposit.

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

Section 6.04 Return of Deposit.

The deposit made by any applicant or property owner may be refunded upon discontinuance of service, the District shall refund any balance in the customer's deposit in excess of unpaid bills or other indebtedness to the District.

Article VII. BILLING

Section 7.01 Billing Period.

The regular billing period will be monthly.

Section 7.02 Opening and Closing Bills.

Opening and closing bills for less than the normal billing period shall be pro-rated both as to the basic charges and quantity charges

Section 7.03 Payment of Bills.

Bills for water service shall be made available electronically, mailed or delivered to each customer as soon as convenient after the reading of the meter. Bills shall be payable upon presentation.

Section 7.04 Commencement of Liability for Monthly Basic Charge.

The applicant shall become a customer of the District and shall become liable for and shall be billed for the basic monthly charge from the date that the water meter is set.

Section 7.05 Special Request Billing Periods

Whenever a customer desires a billing at a time other than the normal billing period, the customer requesting the bill shall pay to the Water District an advance fee of \$20.00. The District shall read the meter, calculate the bill to the date read, and mail a bill marked "mid-term billing" to the customer. The special billing would appear on the owner's account, and would show as a prior balance if not paid. The owner of the property is responsible for this bill, as other bills.

Section 7.06 Billings of Separate Meters Not Combined.

Separate bills will be rendered for each meter installation except where the water district has, for its convenience, installed two or more meters in place of one meter.

Section 7.07 Exemption from Liability for Basic Monthly Charge Due to Storm Damage

A property owner may file a statement with the District stating that their structure cannot be occupied due to damage resulting from storm events or other natural disasters. Said statement shall be filed within 120 days of the cause of occurrence.

Upon making findings and determinations that the customer's structure cannot be occupied as a result of a natural disaster, the District Manager may determine that the customer is exempt from the basic monthly charge. Exemption will be allowed for a period of up to 3 years from the date of determination or until the customer requests continuance of service, whichever occurs first.

No customer shall at any time, in any manner, obtain water from the service connection while exempt from the liability of the basic monthly charge. The District

may lock or remove the meter to protect the District against fraud or abuse. Should the customer not repair or replace the damaged structure or request continuance of service within the time allowed, the service shall be considered vacated.

Section 7.08 Automatic Time Extension

The time limit for exemption from liability for basic monthly charge under these Rules and Regulations shall be automatically extended for the number of days the property owner is in litigation with the County regarding issuance of approvals to rebuild the structure, or with the property insurer regarding coverage of the loss, but not the monetary amount of the loss.

“Litigation” means an actual suit in Superior Court of U.S. District Court.

“In Litigation” is time litigation is continuously pending, and starts the day when suit is actually filed and ends when judgment is entered, dismissal is filed with the Court Clerk, or a preliminary injunction is issued. No appellate time, whether or not a stay is obtained, pre-filing time, or breaks in pendency will be counted.

Litigation shall not revive a statement-filing period which has expired. Any owner shall have not less than 10 District working days to file a claim after a matter is no longer in litigation.

Article VIII. DISCONTINUANCE OF SERVICE

Section 8.01 Disconnection for Non-Payment.

Service may be discontinued for non-payment of a bill for water service, if the bill is not paid within thirty (30) days after presentation. At least five days prior to such discontinuance the customer will be sent a final notice informing such customer that discontinuance will be enforced if payment is not made within the time specified in such notice. The failure of the District to send or the failure of any person to receive such notice shall not affect the District's powers hereunder.

Section 8.02 Charges During Discontinuance of Service.

After discontinuance of water service for violation of a San Lorenzo Valley Water District Rules and Regulations, the customer shall pay to the District a Turn-Off Charge of \$20.00 each time the customer violates these Rules and Regulations after that customer's water has been turned off.

Section 8.03 Unsafe Apparatus.

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

Section 8.04 Cross Connections.

Water service may be refused or discontinued to any premises where there exists a cross connection in violation of these Rules and Regulations, State or Federal laws.

Section 8.05 Fraud or Abuse.

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

Section 8.06 Non-compliance with Regulations.

Service may be discontinued for non-compliance with these Rules and Regulations or any other ordinance or regulations relating to the water service.

Section 8.07 Discontinuance Upon Vacating Premises.

Customers desiring to discontinue service shall notify the District reasonably well in advance of the desired date of discontinuance. The customer shall be required to pay all water charges until the date of discontinuance. At the time of discontinuance, the meter will be read and a closing bill rendered. Unless discontinuance of service is ordered, the customer shall be liable for charges whether or not any water is used.

Article IX. COLLECTION

Section 9.01 Penalty.

Penalties shall be established by Resolution for unpaid rates and charges.

Section 9.02 Suit.

All unpaid rates, charges and penalties may be collected by suit.

Section 9.03 48-Hour Notice.

If an employee is dispatched to leave a 48-hour notice due to non-payment, failure to sign up for service, a returned check on water bill or sewer bill, or any other reason, but prior to the actual disconnection of the service or the District receives payment of the delinquent bill, the customer shall pay to the District a charge of \$20.00

Section 9.04 Charge for Returned Check

For any check tendered to the District in payment of rates or charges under these Rules and Regulations which is returned by the bank upon which it is drawn because of insufficient funds, no account, or other similar reason, the person on whose account such check was tendered shall pay a handling charge of \$10.00 in addition to any other penalties provided by law, and any charges imposed by a bank on the District's account. Written notice will be sent to the customer to pay the returned check and the \$10.00 charge within ten days, either by cash or certified check. After the ten days have expired, the procedure for the 48-hour notice and discontinuance of service shall apply.

Section 9.05 Installment Payments, Interest.

The manager may enter into an arrangement with any customer against whom there are unpaid rates, charges, and penalties whereby the customer may pay such unpaid rates, charges and penalties in installments, provided such unpaid rates, charges and penalties are paid within twelve (12) months from the date of delinquency and provided that there shall be included in the installments interest on such unpaid rates, charges and penalties at the rate of ten percent (10%) per annum from the date of delinquency. The provisions of this section shall not be in lieu of other procedures contained in the District's rules and regulations for the collection of delinquencies, but shall be an additional and separate procedure for collection unpaid rates, charges, and penalties.

Section 9.06 Lien Procedure for Unpaid Charges for Water or Other Services.

Pursuant to California Water Code, if there are delinquent and unpaid charges for water and other services that remain delinquent and unpaid for sixty (60) days or more, the District may proceed to collect those charges by recording a lien upon the real property as set forth herein.

- (a) Notice of Delinquent and Unpaid Charges to Holder of Title to Land. The District shall notify the holder of title to land whenever delinquent and unpaid charges for water or other services which could become a lien on such property pursuant to these Rules and Regulations and California Water Code remain delinquent and unpaid for sixty days.
- (b) Annual Statement of Delinquent Charges to County for Collection With Taxes—Lien on Real Property. If there are delinquent and unpaid charges for water or other services that remain delinquent and unpaid for sixty days or more, the Board of Directors shall, annually, on or before August 1st of each year, furnish to the County Board of Supervisors and to the Auditor, a written statement of those charges that remain delinquent and unpaid for sixty days or more on July 1st of each year. The amount of any charges for water and other services included in said statement shall be added to and become a part of the annual taxes next levied upon the property which is delinquent, 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.
- (c) Certificate Against Person Liable for Charges: Lien Against that Person's Real Property (Renters). In addition to furnishing an annual statement of unpaid and delinquent charges to the County for collection with the annual property taxes, the District may secure the amount of unpaid charges at any time by filing for record in the office of the County Recorder a certificate specifying:
 - (i) The amount of such charges.
 - (ii) The name and address of the person liable therefor.
- (d) From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the County owned by the person or acquired by him at any time before the lien expires. The lien has the force, priority and effect of a judgment lien and shall continue for ten years from the date of the filing of the certificate unless sooner released or otherwise discharged.

Section 9.07 Deducting Delinquencies and Other Debts from Disbursements.

Whenever a person has incurred any delinquency, debt, or other financial obligation to the District for any District services rendered or materials or equipment supplied, the amount of such obligation due the District may be deducted from any deposits, credits, refunds or other disbursement from the District to such person, at the discretion of the District Manager.

Section 9.08 Transfer of Delinquent Account to Active Account of Same Owner.

If a District customer receives water or sewerage services at more than one location and has more than one account with the District and if such customer terminates one customer leaves an account with a balance owing and

subsequently desires to open a new account with the District, such balance owing or such delinquency may be transferred to any other new or active service account held by the same customer.

Section 9.09 Collection of Current Yearly and Delinquent Charges for Wastewater Management Systems and Services with General Taxes: Authorization.

Health and Safety Code and the Water Code authorize the District to prescribe and collect fees and charges for sanitation and sewerage facilities and services, and further provide for the collection of current yearly and delinquent charges with general taxes as set forth herein, as an alternative to any other collection procedure.

Section 9.10 Adoption of Collection Procedure.

The procedure for the collection of current yearly and delinquent charges for wastewater services with general taxes as an alternative collection method as set forth in the Health and Safety Code is hereby adopted by the Board of Directors of the San Lorenzo Valley Water District and made a part of these Rules and Regulations.

Section 9.11 Election by Board of Directors to Collect Fees on Tax Roll.

The Board may, by ordinance or resolution approved by a two-thirds vote, elect to have current yearly and delinquent charges and fees for the sanitation and sewerage facilities and services collected on the County tax roll together with general taxes.

Section 9.12 Written Report.

As required by Health and Safety Code, if the Board elects to implement the described collection procedure, it shall require a written report to be prepared each year and filed with the District Secretary, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge which is current yearly and delinquent for each parcel for the year computed, in conformity with the District Rules and Regulations or resolutions fixing such charges.

Section 9.13 Publication of Notice of Report and Hearing.

The District Secretary shall cause notice of the filing of said report and of the time and place of the hearing thereon to be published pursuant to Government Code 6066, once a week for two successive weeks prior to the date set for hearing, in a newspaper of general circulation within the county.

Section 9.14 Mailed Notice.

Before collecting such charges on the tax roll for the first time, the District Secretary shall cause a written notice of (1) the filing of the written report; (2) the proposed collection of the charges with the general taxes and (3) the time and place of the public hearing on the report and collection to the person named on the last equalized

assessment roll available at the address shown or as known to the Secretary. If the Board adopts the report, then the requirements for written notice shall not apply to hearings on reports prepared in subsequent fiscal years and notice by publication shall be adequate.

Section 9.15 Noticed Public Hearing.

At the notice of public hearing, the Board shall hear and consider all objections or protests, if any, to said report and may continue the hearing from time to time. If the Board finds that protest is made by the owners of a majority of separate parcels of property listed in the report, then the report shall not be adopted and the charges shall be collected by alternate methods.

Section 9.16 Determination by Board.

Upon conclusion of the hearing, the Board may adopt, change, reduce, or modify any charge or overrule any or all objections and shall make its determination on each charge as described in said report which determination shall be filed.

Section 9.17 Filing of Report.

On or before the tenth day of August of each year following such final determination, the District Secretary shall file with the County Auditor a copy of said report with a statement signed by the Secretary that the report has been finally adopted by the Board of Directors. The County Auditor shall enter the amount of the charges against the respective lot or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the District, they shall be added to the assessment roll of the District for the purpose of collecting such charges. If the property is not described on the roll, the auditor may enter the description thereon together with the amounts of the charges, as shown on the report.

Section 9.18 Lien.

Except as provided in Health and Safety Code 5473.8 regarding bona fide purchasers for value without prior recorded notice, the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

Section 9.19 Inclusion of Charges in Bills for Taxes.

The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

Section 9.20 Collection; Delinquency Date; Penalty.

Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties. All laws applicable to the levy, collection and enforcement of general taxes are applicable to such charges.

Section 9.21 Lien; Recording, Force, Effect, and Priority.

Charges for services and facilities furnished by the District shall constitute a lien against the lot or parcel of land against which the charge was imposed if said charges remain delinquent for a period of 60 days, and the District shall include a statement to each property owner which shall notify the property owner of the lien provided by this section for delinquent payment of charges. The lien provided herein shall have no force or effect until recorded with the County Recorder, and when so recorded shall have the force, effect and priority of a judgment lien, and continue for three years from the time of recording unless sooner released or otherwise discharged.

Article X. COMPLAINTS AND DISPUTED BILLS

Section 10.01 Report and Adjustments.

Customer complaints regarding water service or disputes regarding the correctness of a bill for water service shall be directed to the District Manager for consideration and adjustment.

Section 10.02 Complaints at Board Hearing.

If a customer is unable to resolve their complaints through discussion with the District Manager, the customer may either submit their complaint in writing with a full and detailed explanation to the Board, or the customer may appear in person before the Board at any regular meeting.

Section 10.03 Disputed Bills.

If a resolution to a disputed bill cannot be reached between the customer and the Manager, the customer within twenty (20) days after the bill becomes due and payable may deposit with the District the amount of the disputed bill, together with a full explanation of the dispute. The remittance so deposited shall be made payable to the District, and the District shall be notified that the deposit is against a disputed bill. At its regular meeting following receipt of the deposit, the Board will hear the dispute and will render its decision thereon. The hearing for good cause may be continued to the next regular meeting of the Board. Service will not be discontinued pending the outcome of the hearing, provided that subsequent bills are paid or the amount thereof deposited unconditionally with the District.

Section 10.04 Water Bill Adjustment

A customer may request in writing an adjustment on their water bill, stating that the bill for water service was excessive due to the loss of water beyond the meter outlet as a result of a faulty fixture or broken or damaged pipe. Upon making a finding and determination that the customer's bill for water service is excessively high, that the customer exercised timely and reasonable diligence in correcting the problem which resulted in excessive water consumption, and that the consumption could have reasonably gone unnoticed, the District Manager may authorize adjustment of the customer's bill.

Whenever the District approves a customer's request for adjustment due to loss of water beyond the meter, the consumptive tier charge applicable to the last unit of usage for the customer's annual average monthly usage shall be utilized and applied to all units of consumption in excess of the customer's monthly annual usage.

The customer's actual total water charges due the District for said period will be recalculated based upon the aforementioned procedure. The customer's bill shall be adjusted by 50% of the usage in excess of the customer's annual average

monthly usage. Excluded from the adjustment will be any and all amounts in excess of \$2,500.

Said adjustment may only be administered one time per customer account and may only be applied to one billing period. In addition, the District Manager may enter into an arrangement for repayment of such excessive bill, providing all unpaid charges are paid within 24 months. The customer shall pay the adjusted water bill.

Article XI. PRIVATE FIRE PROTECTION SERVICE

Section 11.01 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 customer's premises including the cost of a detector check, meter or other suitable and equivalent device, valve and meter box, said installation to become the property of the District.

Section 11.02 No Connection to Other System.

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

Section 11.03 Use.

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

Section 11.04 Meter rates.

Any consumption of water recorded on the meter will be charged for at such rates as the Board may fix by resolution, except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the fire department.

Section 11.05 Monthly rates.

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

Article XII. RATES AND CHARGES

Section 12.01 Establishment of Rates and Charges.

The Board may by resolution establish the rates and charges for all services which the District is authorized to furnish. Such rates and charges shall be fixed to apply uniformly throughout the District or within areas within the District according to the circumstances that prevail in such areas.

Section 12.02 Connection Fee – Bear Creek Road Main Extension

The District has installed and paid for a water main extension in Bear Creek Road commencing approximately 2,950 feet from Highway 9 and extending to the entrance of Bear Creek Estates Subdivision, thereby increasing the service area of the District. In addition to all other regular charges for service connections prevailing from time to time, charges based upon meter size as shown on the District's most current Schedule of Rates and Charges as 'Bear Creek Road Main Extension Connection Fees' shall be paid upon application for any service connections made to or served by the said water main extension, except connections made to the Bear Creek Estates distribution system.

Section 12.03 Connection Fee

Each applicant for new water service connection shall pay a connection fee to the District at the time of filing an application for water service based upon the size of the meter to be installed according the District's most current Schedule of Rates and Charges.

No application for a new water service shall be deemed complete until the connection fee is paid to the District. The connection fee shall be in addition to the charge for the installation of water service and private fire protection service and other pre-connection charges established by the Board of Directors.

Section 12.04 Exemption

No applicant for new water service connection shall be exempt from the payment of the connection fee unless specifically exempted therefrom by resolution of the Board of Directors. Such exemption shall be granted only upon a finding by the Board of Directors that facilities or other consideration are furnished to the District in lieu of the capital costs component upon which the connection fee is based.

Section 12.05 Meter Installation for Regular Water Service, Charges For

The charges for setting meters for regular water service are established as shown on the District's most current Schedule of Rates and Charges.

The District shall install the meter at cost. Where the cost is greater than the deposit, the Applicant shall pay the District the balance. Where the deposit is greater than the cost, the District shall refund the remaining amount.

Section 12.06

Water Charges – Regular Service

- (a) The standard minimum monthly fixed water charge per meter shall be as shown on the District's most current Schedule of Rates and Charges.
- (b) Each residential dwelling unit receiving water service from the District shall have metered water service which shall be sized in accordance with District standards.
 - (i) Definition – For purposes of this section, a residential dwelling unit is defined as each structure or unit within a structure which is designed, constructed or used for human habitation and which is improved with cooking facilities and permanent connections to sanitation facilities and has an area for sleeping. Examples of residential dwelling units include a single family residence, each apartment within an apartment building, each unit of a duplex, each mobile home unit or trailer unit within a mobile home park or trailer park, a cabin and a trailer. This definition does not include recreational vehicles designed and used for intermittent recreational use. However, if a recreational vehicle or similar unit is actually used as a permanent dwelling unit and otherwise meets the definition herein, it shall be charged as a residential dwelling unit.
- (c) Each parcel improved with one or more residential dwelling units shall have a water meter sized in accordance with District standards.
- (d) Each parcel improved with one or more residential dwelling units shall be required to have a separate meter for each dwelling unit.
- (e) A customer who is dissatisfied with the determination of the District Manager regarding the classification of a structure or a recreational vehicle as a residential dwelling unit may appeal that determination to the Board of Directors.
- (f) The owner of a parcel which is improved with two or more residential dwelling units may appeal the water meter size requirements set forth in this section on the grounds that: The additional unit or units is/are used or occupied fewer than forty days per year; and such use is limited to personal guests of the occupants of the main unit; and that such additional units are not let, leased or rented. An application for a variance shall be filed pursuant to the appeal procedure set forth in this section. The Board of directors may grant such a variance, with conditions, including time limitations, and may also revoke such variance for good cause. The Board of Directors shall set an annual review date of the first meeting in November of each year to consider expirations, new applications and applications for renewal of such meter size variances. This review date is not exclusive, and the Board may schedule additional hearings on variations as appropriate.

Section 12.07 Water Charges - Surplus Water

Fixed charges and unit charges for surplus water shall be established by the Board of Directors from time to time.

Section 12.08 Account Establishment Deposit and Charge

A non-refundable account establishment deposit of \$40.00 shall be required when setting up a new account.

The account establishment deposit shall be held by the District until the property is transferred and the account is closed, at which time the deposit will be applied to the closing bill. Interest on such deposit, if any, shall accrue at the same rate of other District investments.

The account establishment deposit shall be \$15.00 if the applicant opening the account has another account with the District which is active and current.

Section 12.09 Sizing of Meters

Meters shall be sized on a fixture unit basis. Fixture units shall be counted as provided in the most currently adopted Uniform Plumbing Code of the State of California (UPC). Water supply outlets for items not listed within the UPC shall be computed at their maximum demand. The total equivalent fixture units on the actual installation shall be added up and the meter shall be sized in accordance with District Standards.

Applicants shall provide plans to the District showing the fixture units anticipated for the house. Should the final count of actually installed fixture units be greater than those anticipated, then the actually installed units shall be the basis for sizing of the meter and paying connection fees.

Section 12.10 Connection Charges

Connection charges shall be based upon the size of the meter determined by the District. Connection charges for Residential Fire Sprinkler Systems shall be equal to the meter size excluding the count of fixture units for the fire sprinklers. Existing domestic services shall pay additional connection charges if a fixture unit count of all fixtures attached to the meter requires a larger meter, excluding the count of fixture units for fire sprinklers.

Section 12.11 Water Meter Review Sheet

The District will prepare water meter review sheets for any proposed fire sprinkler system in combination with a domestic service. The District will deny those systems which exceed the capabilities of the District's infrastructure in any particular area. The applicant may appeal a denial to the Board of Directors.

Section 12.12 Customer Responsibility for Worn-out meters

All District customers, regardless of whether they have combined fire sprinklers and domestic systems, or simply domestic systems, are responsible for the entire

cost of replacing undersized meters worn-out due to excessive flows; either intermittent or continuous. The District shall accumulate the costs of replacing a worn-out meter and shall charge the customer the cost that has been incurred. Larger meters installed due to higher flows shall pay additional connection charges for the increase in meter size.

Section 12.13 Exclusion of Liability for Loss or Supply or Pressure

An applicant requesting service shall indemnify and hold the District, its officers and employees harmless from any claims that may result from the failure to supply adequate flow, adequate pressure or the changing of the District's system operation which might affect either the fire or domestic service. Additionally, any losses that might occur due to such an effect will also be excluded from recovery.

Section 12.14 Water Use

The customer is responsible for all charges resulting from water going through the meter regardless of its ultimate use.

Section 12.15 Signature on Waiver

All applicants for service shall sign a waiver informing them that the District is not responsible for delivering adequate water supply, adequate pressure or maintaining connections within certain pressure zones and that the District will not be responsible for any damages due to the failure of any private fire system.

Section 12.16 Residential Fire Sprinkler System

A residential fire sprinkle system up to a one-inch meter sizing may be installed in conjunction with a domestic service through a single service line supplying a new residential dwelling. All fire sprinkler systems above the size of one-inch meter size shall be installed in accordance with current District Standards.

The charges for installation of a joint domestic and residential fire protection service shall be at the actual cost to the District. The applicant shall place a deposit with the District. The amount of deposit shall be determined by the District Manger based on specific conditions of the installation. Costs exceeding the deposit shall be paid to the District by the applicant prior to receiving service. Any deposit money remaining after installation will be refunded to the applicant. Upon request, the District will provide a detailed cost breakdown for the installation of a residential fire sprinkler service.

Section 12.17 Collection Charge

If an employee is dispatched to discontinue water service for non-payment of a water bill or sewer bill, but prior to the actual disconnection of the service the District receives payment of the delinquent bill, the customer shall pay the sum of \$20.00 in addition to the tendered payment of the delinquent bill.

Section 12.18 Reconnection Charge

After a discontinuance of water service for violation of these Rules and Regulations or any other ordinance or resolution, the customer shall pay to the District a reconnection charge of \$40.00 to reconnect water service.

Article XIII. SEWERAGE RULES, REGULATIONS, RATES, AND CHARGES

Section 13.01 Service Charge

The charge for sewerage service within the service area of the Bear Creek Estates Sewage Treatment Plant is \$45.00 per month.

Section 13.02 Regulation of Sewerage Discharge—Bear Creek Estates

- (a) Purpose. The purpose of these Rules and Regulations is to control and regulate sewage, liquid waste and industrial waste discharges into the sewerage system and treatment facilities of Bear Creek Estates Units 3, 4, and 5 and maintained by the San Lorenzo Valley Water District so the operations of and discharges from the sewerage system comply with all applicable State and Federal laws and regulations, including but not limited to the provisions of the federal Clean Water Act and the Porter-Cologne Water Quality Control Act, as implemented and enforced by the Central Coast Region Regional Water Quality Control Board.
- (b) Scope. These wastewater discharge Rules and Regulations sets uniform requirements for all waste discharges into the wastewater collection and treatment system and enables the San Lorenzo Valley Water District to comply with the administrative provisions of the Clean Water Grant regulations. The water quality requirements are set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and are to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems. These Rules and Regulations provides for the establishment of a surveillance and enforcement procedure to control the discharge of quality and quantity of certain wastes. Revenues derived from the costs required by these Rules and Regulations shall be used to defray the District's cost of conducting operation and maintenance of the system. The provisions of these Rules and Regulations shall apply to the discharge of all wastes to a public sewer of the San Lorenzo Valley Water District's Bear Creek Estates Units 3, 4, and 5 wastewater treatment facility.
- (c) Policy. The San Lorenzo Valley Water District protects the health, welfare and safety of the local residents by constructing, operating and maintaining a system of local sewers and laterals, trunk sewers and interceptors, and liquid waste treatment and disposal facilities that service the homes of residents in Bear Creek Estates Units 3, 4, and 5. The following basic policies apply to sewage and liquid waste discharged into the sewerage system provided such wastes will not:

- (i) Contain toxics or other pollutants in amounts of concentration that endanger public health.
 - (ii) Detrimentally affect the local environments;
 - (iii) Create nuisances such as odors, insects, etc.
 - (iv) Endanger the physical integrity of the treatment works;
 - (v) Impose excessive collection, treatment or disposal costs on the District;
 - (vi) Significantly interfere with wastewater treatment processes; or
 - (vii) Cause violation of effluents or water quality limits and quantity requirements hereinafter established.
 - (viii) The highest and best use of the sewerage system is the collection, treatment, and reclamation or disposal of domestic sewage. The use of the sewerage system for industrial waste discharges is strictly forbidden by these Rules and Regulations. Users of the system will be required to comply with requirements as established by (1) The Environmental Protection Agencies of the United States; (2) State Regional Water Quality Control Board, Central Coast Region; (3) Santa Cruz County, and (4) San Lorenzo Valley Water District when discharging sewage and/or applying for approval to hook up a new home to the system and begin the discharge of sewage to the system.
- (d) Inspection. Water District inspectors or other authorized personnel shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor. Inspection of every facility that is involved with the discharge of waste to the sewage collection and treatment facilities may be made by the District Manager or the Manager's representative. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of these Rules and Regulations. Access to all facilities connected to the sewerage system shall be given to authorized personnel at all reasonable times or at other times when occasioned by emergency conditions. No person shall interfere with, delay, resist or refuse entrance to an authorized inspector attempting to inspect any waste generation, conveyance or treatment facility connected to the sewerage system.
- (e) Enforcement of Rules and Regulations. An authorized representative of the Water District may issue a Notice of non-Compliance/Order to Correct, or a Notice of Violation. A Notice of Non-Compliance/Order to Correct requires the party in violation to correct the identified non-compliance within 30 days, or as determined by the Water District. If at the end of that time the non-compliance condition has not been corrected to the District's requirements, a Notice of Violation will be issued..

- (f) **Penalty for Violations.** Any person who knowingly makes any false statement, representation, record, report, plan, or other document filed with the Regional Water Quality Control Board and/or the State Water Resources Control Board, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the laws of the State of California shall be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment in a county jail for not more than six months or by both. Upon issuance of a Notice of Violation the District will begin charging penalties as specified below. Additionally, discontinuance of Service may be enforced.

Any person who willfully or negligently discharges pollutants except as allowed by waste discharge requirements or who willfully or negligently violates any effluent standard, water quality related effluent standard, national standard of performance, toxicity, or who violates any cease and desist order, prohibition, or waste discharge requirements shall be punished by a fine of not more than twenty-five thousand (\$25,000) nor less than two thousand five hundred (\$2,500) for each day in which such violation occurs, or by imprisonment for not more than one year in the county jail, or by both. If the conviction is for a violation committed after a first conviction of such person under this section, punishment shall be by a fine of not more than fifty thousand dollars (\$50,000) for each day in which such violation occurs, or by imprisonment for not more than two years in the county jail or both.

In the event of such violation, the District shall, upon authorization of its Board of Directors, petition the superior court to impose, assess, and recover such sums.

- (a) **Notice.** Whenever the District Manager finds that any person has violated or is violating these Rules and Regulations, or any prohibition, limitation, or requirement contained herein, the District Manager may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days for the satisfactory correction thereof. Such notice shall be served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the District. Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.
- (b) **Time Limits.** Any time limit provided in any written notice or in any provision of these Rules and Regulations shall be extended only by a written direction of the District Manager.
- (c) **Establishment of Rules and Regulations.** The District Manager is hereby authorized and empowered to adopt such rules, regulations and standards as may be deemed reasonably necessary to protect the District sewerage facilities, to control and regulate the proper use thereof; provided, however, that the terms and provisions of such rules and regulations shall be promulgated in a manner best directed to result in the uniform control of the

sewerage systems within the District. District Manager shall, from time to time as he deems necessary, prepare additional rules and regulations as to the quality of the sewage or liquid waste discharged to the sewerage facilities of the District, and act to modify or amend such existing rules and regulations as he deems necessary. A discharger shall have the right to appeal any rule, regulation or standard on the grounds of extreme hardship, before the Board of Directors.

- (d) Reconsideration and Appeal Procedures. If the ruling made by the District Manager is unsatisfactory to the person requesting reconsideration, the person may make a written appeal to the Board of Directors within 45 days after notice of the action taken by the District Manager. The written appeal shall state all the pertinent aspects of the matter. Within forty-five days after the written appeal is received, the Board of Directors shall hold appear personally or through counsel, cross examine witnesses, and present evidence in their own behalf. Notice of the hearing shall be given at least fifteen days prior to the date of the hearing. Within 45 days after the hearing is closed, said Board of Directors shall make a final ruling on the appeal.
- (e) Payment of Charges and Delinquencies. All fees and charges made pursuant to the provisions of these Rules and Regulations and the approved Schedule of Fees are due and payable upon receipt of notice thereof. All such charges shall be and become delinquent twenty days after mailing or delivering notice thereof to the mailing address of the person subject to charges. All delinquent charges shall be deemed a violation of these Rules and Regulations and each day any such charge remains delinquent shall be deemed a separate violation. Discontinuance of Service will be enforced.
- (f) Recording of Fees and Charges. The District shall keep a permanent and accurate account of all fees and charges received under these Rules and Regulations, giving the names and addresses of the persons on whose accounts the fees and charges were paid, the date and amount thereof, and the purpose for which charges were paid.
- (g) Unless otherwise provided herein, whenever the fee and charges required by these Rules and Regulations are based on estimated values or estimated quantities, the District Manager shall make such determination in accordance with established estimating practices.
- (h) Any charge that becomes delinquent shall have added to it a basic penalty charge equal to ten (10) percent of the charge that became delinquent and thereafter an additional penalty shall accrue on the total charge due, including the ten percent basic penalty, at the rate of one-half of one percent (0.5%) per month until paid in full.
- (i) Collection. Upon direction of the Board of Directors any delinquent charge and all penalties including court costs and legal fees thereon, shall be

collected by lawsuit in the name of the District. Any such action for collection may include an application for an injunction to prevent repeated and reoccurring violations of these Rules and Regulations.

- (j) Malicious Damage to Sewerage Facilities. Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing or tampering with any structure, equipment or appurtenance which is a part of the District sewerage system shall be a violation of these Rules and Regulations, and subject to prosecution under applicable laws.
- (k) Prohibited Waste Discharges. The constituents prohibited by these Rules and Regulations provide specific limits are established. In some cases, the concentration or amount of any particular constituents which will be judged to be excessive or unreasonable cannot be foreseen but will depend on the results of technical determinations relating to the particular situation and the actions of regulatory agencies. No discharger shall discharge or cause to be discharged to a public sewer, which connects to the District sewerage system, the following wastes:
 - (i) Any explosive mixtures, i.e. liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious to the sewerage facilities or the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, ethers, and peroxides.
 - (ii) Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Clean Water Act and chemical elements or compounds phenols, or other taste or odor-producing substances, which may cause public nuisance or hazardous conditions to occur in the sewerage system, or any other substances which are not susceptible to treatment or which may interfere with biological processes or efficiency of the treatment system or that will pass through the system or which may cause abnormal increase in the operation costs of the treatment system.
 - (iii) Any waste which will cause corrosion or deterioration of treatment system. All wastes discharged to the public sewer system must have a PH value not less than 6.5 and not more than 8.4 standard units. Prohibited materials include, but are not limited to, acids, caustics, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.
 - (iv) Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited too, grease, un-comminuted garbage, animal guts or tissues, paunch manure,

bones, hairs, hides or flesh, entrails, whole blood, feathers, ashes, cinders, sand spent lime, stone, or marble dust, polishing compounds, resin beads, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

- (v) Any unpolluted water including, but not limited to, water from swimming pools or spa systems or storm water origin, which will increase the hydraulic load on the treatment system.
- (vi) Oil and grease concentrations.
- (vii) Any garbage that is not ground sufficiently to pass through a 1/2" screen.
- (viii) Any amounts of suspended solids exceeding a concentration of 500 mg/l.
- (ix) Any wastes with amounts of dissolved solids which may cause violation of the Regional Water Quality Control Board requirements.
- (x) Any wastes which have chloride concentrations greater than Regional Water Quality Control Board discharge requirements.
- (xi) Any wastes containing over 0.1 mg/l of dissolved sulfides.
- (xii) Any waste containing organophosphorous and carbonate compounds in amounts greater than 1.0 mg/l.
- (xiii) Any water added for the purpose of diluting any wastewater discharge which would otherwise exceed applicable constituent concentration limit shall be considered a violation of these Rules and Regulations.

No person shall discharge or cause to be discharged to any public sewer which connects to the District sewerage system any sewage, liquid waste or industrial waste, if in the opinion of the District Manager such discharge may have an adverse or harmful effect on sewers maintenance personnel, sewage treatment plant personnel or equipment, treatment plant effluent quality, public or private property, or may otherwise endanger the public or local ecological system or create a public nuisance. The District Manager in determining the acceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment, and disposal system available to accept the waste. Affected persons shall have the right of appeal before the Board of Directors as set forth in Section 17.2j if the District Manager's determination creates an extreme hardship or is considered unreasonable.

- (a) Liquid Waste Sampling, Analysis and Flow Measurements. Periodic measurements of flow rates, flow volumes, Chemical Oxygen Demand and suspended solids shall be made as determined by the District Manager and in accordance with the District's permit to discharge limitations. All sampling, analyses, and flow measurements of industrial or liquid wastes shall be

performed by a District approved laboratory or by District personnel. All sewage analyses shall be conducted in accordance with the appropriate procedure contained in the current edition of "Standard Methods." If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure judged satisfactory by the District Manager shall be used to measure flow constraints and constituents. Any laboratory or public agency performing tests shall furnish any required test date or information on the test methods or equipment used, if requested to do so by the District Manager. The sampling, analysis and flow measurement procedures, equipment and results shall be subject at any time to inspection by the District. Sample and flow measurement facilities shall be such as to provide safe access to authorized District personnel.

- (b) Damage to Sewerage Facilities or Processes By Prohibited Waste or Liquid Waste Discharge. Any discharger who negligently allows or intentionally discharges or causes the discharge of prohibited sewage liquid waste or industrial wastes to the public sewer and such discharge causes damage to District facilities or causes detrimental effects on District treatment processes shall be liable to the District for all damages caused.
- (c) Excessive Sewer Maintenance Expense. No dischargers shall discharge or cause to be discharged to a public sewer, any waste that creates a stoppage, plugging, breakage, any significant reduction in sewer capacity or any other damage to sewers or sewerage facilities of the District. Any excessive sewer or sewerage maintenance expenses or any other expenses attributed thereto will be charged to the offending discharger by the District.
- (d) Availability of Sewerage Facilities. The sewerage capacity is limited to serve the residents in Bear Creek Estates Units 3, 4, and 5 and parcel number 89-241-16 inclusive. The specific parcel numbers of units to be served are as follows:

89.301.06; 89.301.07; 89.301.08; 89.301.21; 89.301.20; 89.301.11; 89.301.12; 89.301.13; 89.301.22; 89.301.16; 89.301.17; 89.301.18; 89.301.19; 89.301.02; 89.301.01; 89.301.03; 89.301.04; 89.301.05, 89.291.01; 89.291.02; 89.291.03; 89.291.04; 89.291.05; 89.291.06; 89.291.07; 89.291.08; 89.282.03; 89.282.04; 89.282.05; 89.282.06; 89.282.07; 89.282.08; 89.282.09; 89.282.10; 89.281.24; 89.281.23; 89.281.22; 89.281.21; 89.281.20; 89.281.29; 89.281.33; 89.281.17; 89.281.16; 89.281.15; 89.281.14; 89.281.13; 89.281.04; 89.281.03; 89.281.02; 89.281.01; 89.281.12; 89.281.32; 89.281.31; 89.281,10; 89.281.10; 89.281.09; 89.281.08; 89.281.07; 89.281.06; 89.281.05; 89.421.16 (Note: Not in Bear Creek Estates)

The above parcels are the only parcels eligible for connection to the system.

The District may refuse or delay immediate service to new facilities in the above specified parcels if quantity or quality of wastewater is unacceptable in the available treatment facility.

- (e) Discharge of Rainwater or Uncontaminated Water. No person shall discharge or cause to be discharged any rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage, swimming pool, spa drainage, yard drainage, water from yard fountains, ponds or landscape irrigation or any other uncontaminated water into any sewage facility owned by the District.

- (f) Hookup Procedure for Parcels Designed to Be Incorporated into the System. A County building permit must be obtained prior to the request of the San Lorenzo Valley Water District for a permit to hook onto the system. The District will provide a letter of intent upon request by the parcel owner so a County building permit can be obtained. Once a sewer connection permit request is filed with the San Lorenzo Valley Water District, one full set of plans will be required for Staff review of operation and proposed placement of mains and laterals for the collection of domestic wastewater. Prior to the issuance of the sewer connection permit by the District, Staff will inspect the proposed site and review any comments made by Santa Cruz County. If no errors or problems are encountered, a sewer connection permit will be issued.

All mains, laterals and manholes are to be constructed in accordance with Santa Cruz County codes and standards. Site inspections will be required during construction of the new laterals and mains to insure proper construction procedures. The following quality assurance tests must be met before acceptance of a new lateral, main or manhole is approved.

It is the owner's responsibility to maintain the sewer lateral from the residence to the street main collection system.

Any owner of a parcel noted in this section may request to sell their hookup right which is connected to their parcel separate from the parcel itself. Prior to the sale of the hookup right, the owner is required to notify and receive Santa Cruz County approval and San Lorenzo Valley Water District approval in writing. The owner will be required to file a public notice of no connection possibility for a parcel previously listed as available for hookup to the Bear Creek Estates system and that the parcel will not be required to meet all Class II requirements as specified by the State. There are only 60 maximum connectible parcels for Bear Creek Estates Sewerage Facilities.

A recorded attachment to the deed of the property would be required stating the information contained in the public notice above.

Section 13.03 Sewer Service Rates and Charges

Basic service costs include those for routine performance, inspections, enforcement, water and effluent quality monitoring, and general agency

administrative costs and overhead. These services benefit all users to an equal degree and will be charged as an equal service fee to all users. Current rates and charges for sewer service are listed in the current Schedule of Rates and Charges.

Special services costs include the services outlined below which benefit specific properties and which will be supported by the benefitting properties. Costs for these services will be accounted for separately and billed on an as-delivered basis to the benefitting properties in the subsequent basic services bill.

Construction Inspections: \$60 per lot.

Special Inspections: \$15.00 per lot.

Design Inspections/Review: \$15.00 per lot.

Legal Costs for Abatement: Charged at agency cost.

Permit for Hookup to System: \$750 per lot.

Sewer Main Extension Required by Developer: At cost of developer plus inspection costs.

Charges are established by resolution of the Board of Directors and/or amendments to same. The residents and owners of the eligible parcels as specified in this Article are ultimately responsible for the costs to purchase, build, operate and maintain the system.

Article XIV. CONTRACTS AND PURCHASING

Section 14.01 General

All purchase of and contracts for supplies, materials, equipment and services shall be based, whenever feasible, on competitive bids or quotations. Notwithstanding the provisions of these regulations, if the expenditure for the routine purchase of supplies, materials, equipment or services is estimated to cost Five Hundred Dollars (\$500) or less, the District Manager may authorize such purchase without calling for competitive bids or quotations.

Section 14.02 Public Notice.

All contracts to be awarded by competitive bidding shall be advertised via on-line posting, publication in trade or association periodicals or websites, and by other forms of distribution as determined by the District Manager, to ensure sufficient responsive bids .

Section 14.03 Lowest Responsible Bidder

All purchases shall be made from and all contracts shall be awarded to the lowest responsible bidder, except that when price and quality are equal, preference may be extended to local bidders.

Section 14.04 Rejection of Bids.

The Board of Directors hereby reserves the right and discretion to reject any and all bids if the Board determines that to do so would be in the best interest of the District, or for any other reason permitted by law.

Section 14.05 Informal Bidding Procedure.

When the estimated cost for purchases of materials, supplies, or contractual services exceeds Five Hundred Dollars (\$500) but is less than Ten Thousand Dollars (\$10,000), the informal bidding procedure set forth herein shall be followed. Quotations shall be required and shall be solicited by posting notices to bidders on the Districts bulletin board and by written or telephone requests from at least three different available sources of supply. Upon receiving at least three quotations, the District Manager shall be authorized to contract for the purchase of materials, supplies or services by means of a written purchase order. Quotations shall be open to public inspection for thirty days after purchase.

Section 14.06 Formal Bidding Procedures.

When the estimated cost for purchases of materials, supplies, or contractual services exceeds Ten Thousand Dollars (\$10,000), the formal bidding procedure set forth herein shall be followed. Written contracts for the purchase of materials, supplies or services shall be required and shall be approved as to form by the attorney for the District.

Section 14.07 Waiver of Provisions--\$500 or less

- (a) Waiver of Provisions—Competitive Bidding. Notwithstanding any other provisions of these rules, the board by four-fifths vote may waive as to individual purchases the competitive bidding requirements of these rules and may make such purchases without calling for bids.

Section 14.08 Signing of Contracts.

All contracts shall be signed in behalf of the District by the president of the Board of Directors.

Section 14.09 Professional, Specialized, Consultant or Sole Source.

Whenever professional specialized consultant or sold source services or supplies are purchased, the Board may dispense with the provisions of this Article.

Article XV. CROSS CONNECTION CONTROL PROGRAM

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Article XVI. WELLS

Section 16.01 Permit Requirement

- (a) No well shall be constructed within the District until a health permit is obtained from the County Health Officer by the Applicant under County procedure and regulations including quality and quantity and a well permit is issued by the District.
- (b) Within thirty (30) calendar days after receipt of the application, the Board shall either grand, conditionally grant, or deny the permit. A permit shall not be issued if in the judgment of the District Manager, the well may jeopardize the health, safety, or welfare of the people of the District. The District Manager shall require that there be compliance, at the Applicant's expense, with the California Environmental Quality Act and Water Well Standards of the State of California, if, in the District Manager's opinion there may be a significant effect on the environment or the resources of the District. The decision of the District Manager may be appealed to the Board.
- (c) The District may not deny a permit in areas which will not affect the wells of the District. In these areas the District, by the conditions of a permit, will only insure that wells will not damage other users of groundwater basins. The District may deny permits in areas which do affect the wells of the District and then only upon passing a resolution declaring a groundwater emergency.

Section 16.02 Permit procedure.

Application for District well permit shall be made on forms provided by the District and shall include reference to a County Permit showing that the location and conditions meet requirements of the County Health Officer. Application for a well permit shall be accompanied with fee of \$25 provided however, that if said parcel or any portion thereof, be situated within 500 lineal feet or less from an existing fire hydrant, an additional fire protection, water storage and transmission fee shall be paid the District in the amount of 20 percent of the then current District water connection fee, and further provided that if the conditions imposed by the District require that said well use be monitored by the District pursuant to an Environmental Impact Report or other finding, that actual cost thereof shall be billed to the Applicant on a quarterly basis and the Applicant shall pay said billing within 30 days. The additional fire protection, water storage and transmission fee shall be waived if the parcel is a non-multiple unit customer of the District.

Section 16.03 Exemption for Pre-Existing Wells.

Any property upon which a well had been completed prior to March 16, 1987, shall be exempt from the requirements of this article provided: (1) said existing well continues to meet health requirements, and (2) that the water extracted from the well shall not be used beyond the limits of the property upon which the well is

situated, and (3) that the depth, diameter, or volume of the flow from the well is not increased.

Section 16.04 Well Failure.

The issuance of a well permit does not warrant or assure that water production will continue or will be supplemented by the District in the event of subsequent failure of said private well. Permits, if issued, allow the Applicant to exercise a right to drill and use a well to serve the property upon which the well is situated. The permit procedure herein provided is a means to establish information about and limitations on the extraction of water to protect the general health, safety and welfare of the entire community water supply.

Section 16.05 Reservation of District's Right to Serve Public.

The issuance of a permit by the District shall not entitle the permit applicant, their successors and assigns, to gain higher or exclusive rights to said water over those rights of the District, but shall be subject to the higher pre-emptive public rights of the District in the event of an emergency to protect the general health, safety and welfare of the District and its inhabitants.

Section 16.06 Expiration of Permits.

- (d) Each permit issued pursuant to this article shall expire and become null and void if the work authorized thereby has not been completed within one year following the issuance of the well permit.
- (e) Upon expiration of any permit issued pursuant thereto, no further work may be done in connection with construction, repair, reconstruction, or abandonment of a well unless and until a new permit for such purpose is secured in accordance with the provisions of this article.

Section 16.07 Investigation.

The District Manager or the Manager's authorized representative may, upon reasonable cause to believe that a well is causing a nuisance by polluting or contaminating ground water, investigate the situation to determine whether such a nuisance does in fact exist. He shall have the power, when in the performance of the manager's duty and upon first presenting credentials and identifying as an employee of the District to any person apparently in control of the premises to enter upon such premises between the hours of 8:00 a.m. and 6:00 p.m. to discover or inspect any condition which appears to indicate such a nuisance. He may examine such premises, things, or conditions, take such samples and make such other tests as needed and take other steps reasonably necessary for the proper investigation and determination of whether such a nuisance exists.

Section 16.08 Order to Abate Nuisance.

Whenever the District Manager determines that a well is polluting or contaminating groundwater or is otherwise not in compliance with the provisions of this article,

the Board may order the abatement of said well as a nuisance in accordance with the provisions of this article or the County Water District Law.

Section 16.09 Groundwater Emergency.

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the safe yield in order to prevent further depletion and degradation of water resources where such degradation threatens the public health, safety and welfare of the community.

- (a) A declaration of a groundwater emergency shall be made by the Board upon recommendation of the District Manager and only after a public hearing. Such an emergency shall be declared by resolution of the Board after said public hearing to consider all relevant information such as, but not limited to, the most current groundwater study, recommendations of water purveyors and only after the first three findings or the fourth can be made:
 - (i) The designated areas experienced a groundwater overdraft exceeding the long-term average annual recharge of groundwater resources;
 - (ii) The creation of new wells or the expansion of existing wells will significantly increase the demand on the affected aquifer and thereby increase the overdraft and;
 - (iii) The continuation of the overdraft will result in further depletion and degradation of the water resource that can lead to, but is not limited to, impairment of the aquifer or allowing the ingress of low quality or saline waters.
 - (iv) Contamination of the groundwater has caused an emergency in the existing wells in the area.
- (b) Measures to Alleviate Groundwater Emergency. The areas where a groundwater emergency is declared, the Board shall take action to establish water conservation measures, to limit construction of new wells, to require pumping from or expansion of existing wells, and in order to prevent depletion and degradation of the affected aquifer.
- (c) Duration of Groundwater Emergency. A groundwater emergency and the measures enacted to alleviate the emergency shall remain in effect until rescinded as established below.
- (d) Rescinding of Groundwater Emergency. A groundwater emergency shall be rescinded by resolution of the Board after a public hearing when one of the following findings are made.
 - (i) Alternative water sources which compensate for the existing overdraft and supply the affected area are developed.

- (ii) A groundwater management program is implemented which will allow for additional development without contribution to groundwater overdraft; or
- (iii) The Board determines that new information is available which indicates that the technical data upon which the original findings were based is no longer valid.

Section 16.10 Enforcement.

- (a) Notice of Violation. In the event a well subject to this article is found to be a public nuisance contrary to the terms of this article or the permit issued pursuant to this article, the District Manager shall give written notice to the owner of the land as shown on the most recent equalized assessment roll, or the permittee at this address listed on the permit if a permit has been issued, which notice shall state the nature of the violation, the corrective measure to be taken, and a reasonable time within which correction must be made. Said notice shall include a statement that if the landowner or permittee fails to make corrections within the period specified, the District may abate the condition at owner or permittee's expense.
- (b) Abatement by District. If the corrections listed in the notice given pursuant to the Article are not made as required in said notice, the District Manager with the approval of the Board, and after a reasonable opportunity for the person notified to be heard by said Board, may abate the condition. The owner or permittee shall be liable for the cost thereof.
- (c) Emergency Abatement. If the District Manager finds that a well subject to this article is, by reason of condition, operation or maintenance, causing significant irreparable damage to the groundwater or presents an immediate danger to health and safety, and that it is impracticable to notify the owner or permittee, the District Manager may perform emergency work necessary to abate the condition without giving notice as required in 10a above, and the owner of the land as shown on the last equalized assessment roll shall be liable for the costs thereof.

Section 16.11 Violation a Misdemeanor; Punishment.

After publication of this article, it is a misdemeanor for any person to violate any provision, restriction or prohibition, until the article has been repealed or the emergency or threatened emergency has ceased, and upon conviction thereof, that person shall be punished by imprisonment in the County jail for not more than thirty days or by fine of not more than Six Hundred Dollars (\$600), or by both the fine and imprisonment.

Section 16.12 Conflicts.

All ordinances of the District in conflict with the terms and conditions of this article are hereby repealed to the extent of such conflict.