

AN ORDINANCE OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT, ADDING CHAPTER 14, TO THE DISTRICT CODE ESTABLISHING POLICIES AND REGULATING THE INSTALLATION, CONNECTION AND USE OF THE DISTRICT WATER SYSTEM

BE IT ORDAINED by the Board of Directors of the Rancho Murieta Community Services District, Rancho Murieta, Sacramento County, California, as follows:

SECTION ONE:

Chapter 14, is added to the District Code to read as follows:

SECTION 1.00 General Provisions.

- 1.01 Title. This Chapter shall be known as the "Water Code" and may be cited as such.
- 1.02 Scope of Service. The provisions of this Chapter shall apply to water supply and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of public water mains, reservoirs, distribution system, pumping equipment and facilities, pressure reducing stations, connections and services, and all system appurtenances; the issuance of permits and the collection of fees therefor; fees to pay for the costs of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; providing penalties for violation of any of the provisions hereof; and all other necessary or related matters.

SECTION 2.00 Definitions.

For the purposes of this Chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise.

- 2.01 Applicant shall mean the owner, or the agent of the owner, of the property for which water service is being requested.
- 2.02 Board shall mean the Board of Directors of the Rancho Murieta Community Services District.
- 2.03 Business Service shall mean the provision of water for use in connection with commercial premises devoted primarily to operations for profit including offices, stores, markets, apartments, hotels, motels, automobile trailer parks or courts, service stations and the like.

- 2.04 Customer shall mean the owner or agent of the owner of the property receiving water service.
- 2.05 Distribution System shall mean the system of the pipelines and other appurtenances by which the District conveys water to its customers.
- 2.06 District shall mean the Rancho Murieta Community Services District.
- 2.07 Flat Rate Service shall mean the provision of water in unmeasured quantities for a fixed periodic charge.
- 2.08 Industrial Service shall mean the provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.
- 2.09 Mains or Water Mains shall mean the portion of distribution system which is located in streets, highways, public ways or easements which are used to supply water to the District's customers.
- 2.10 Manager shall mean the General Manager of the Rancho Murieta Community Services District.
- 2.11 Metered Service shall mean the provision of water in measured quantities for a charge based on the quantity of water supplied.
- 2.12 Metered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including the tap, meter, meter box, pipe, corporation stop, curb stop or shut-off valve.
- 2.13 Multiple Family Dwelling shall mean a dwelling occupied as a permanent residence or home for two or more customers, or families of customers, living independently of each other.
- 2.14 Permits shall mean the District's written approval or authorization for an action. A permit may only be issued by the District upon the completion of the appropriate District application form for the action sought, payment of all applicable fees and charges, and compliance with all applicable District ordinances, rules and regulations, as well as local, state and federal laws.

- 2.15 Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.
- 2.16 Private Water Line shall mean the portion of the distribution system located on the customer's side of the service connection.
- 2.17 Residential Service shall mean the provision of water for household purposes, including water used on the premises for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.
- 2.18 Service Connection generally shall mean the pipe, valves and other facilities by which water is conveyed from the water main to the premises, and includes the tap, corporation stop, curb stop or shut-off valve, and may include meter and/or service box depending on the type of service.
- 2.19 Unmetered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including the tap, pipe, corporation stop, curb stop or shut-off valve.
- 2.20 Water Facilities shall mean all reservoirs, wells, sources of supply, storage, treatment, transmission, distribution, and pumping facilities, service connections and any other appurtenance.

### SECTION 3.00 General Policies.

3.01 General Policy of Operating System. The District shall operate and maintain the water system in an efficient and economical manner and supply water of acceptable quality as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the District to recover all costs of supplying water including, but not limited to, the costs for the following:

- (a) Purchasing, pumping, treating, storing, transmitting, and distributing water;
- (b) Customer service;
- (c) Administration;
- (d) Overhead;

- (e) Debt service;
- (f) In-lieu taxes;
- (g) Replacement and maintenance of facilities, and
- (h) All other necessary and appropriate expenses.

3.02

District's Responsibility for Distribution System.

The District shall be responsible for operating, maintaining and replacing all portions of the distribution system which are owned by the District. The District shall not be responsible for operating, maintaining or replacing that portion of the distribution system not owned by the District. The installation of a District measuring device upon private property or within a portion of the distribution system not owned by the District shall not create an obligation on the part of the District for operation, maintenance or replacement of any works or facilities not owned by the District.

3.03

Unauthorized Use of District Water. No person shall supply water to any person or to any premises except as authorized by District permit or as approved in writing by the District for service outside the District or for temporary service.

3.04

District Ownership and Control. The portion of the distribution system, including the water main, service connection, and/or meter which is located in the public way or in easements, shall be under the exclusive control of the District and owned, managed and operated under the direction of the General Manager.

3.05

Private Water Lines. The customer shall be responsible for the proper operation and maintenance of the customer's private water line and for any damages to the distribution system or loss of water resulting from the customer's private water line.

3.06

Access to District-Owned Property. The District shall have access, at all reasonable hours, to meters, service connections and other property owned by the District, whether located on or off the customer's premises, for the purposes of inspection, installation, repair, maintenance, operation, turn on, turn off, or removal of the District's property.

3.07

Unsafe Apparatus; Detrimental or Damaging Conditions.

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the District or its customers, the service may be shut off without notice, provided that the District

shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

- 3.08 Fraudulent Use of Service. When the District has discovered that a customer has obtained water service by fraudulent means, or has diverted the water service for unauthorized use, the service to that customer may be discontinued in the manner set forth in Section 11.00 herein. The District shall not be required to restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the District incurred by reason of the fraudulent use.
- 3.09 Inspection of Customer-Owned Property. A customer's private water line shall be open for inspection at all reasonable times to a representative of the District. However, before a District representative enters a customer's premises for the purpose of inspecting non-District owned facilities, the District shall obtain the occupant's consent or the District shall give 24 hour advance notice, in writing, to the occupant of the District's intention to enter and inspect the customer's private water line.
- 3.10 Interference with District Employees. Except as provided in Section 3.09 hereof, it shall be unlawful for any person to interfere, seek or cause to interfere, with the inspection, installation, removal, maintenance, or other lawful activity by the General Manager or the General Manager's authorized representative, of any part of the distribution system owned by the District.
- 3.11 Obstructions Prohibited. Subject to approval of the Board, no person shall place or cause to be placed on any water line easement any wires, fences, trees, buildings or other structures, either temporary or permanent, or any refuse, rubbish, debris or other objects which may impede or otherwise interfere with the ready access by the District to any portion of the distribution system owned by the District. Any such obstruction, upon the written request of the Manager, shall immediately be removed by the violator at no expense to the District or removed by the District at violator's expense, and shall not be replaced.
- 3.12 Continuity of Service. The District shall not be liable for any interruption, shortage or insufficiency of water supply or for pressure at the customer's point of connection, or for any loss or damages occasioned thereby.

3.13

Street Work.

- (a) When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower or otherwise affect any portion of the distribution system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to perform such construction and immediate notice upon exposure or contact with such system.
- (b) At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's distribution system which is necessitated by the street construction. Prior to the District performing the construction on its distribution system, the person requiring the street construction shall pay the district a reasonable deposit in an amount not to exceed the estimated cost of the District's construction. When the District completes its construction, the District shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the person requiring the construction shall pay the amount, if any, by which the actual costs of construction exceeds the deposit.
- (c) The person performing the street construction shall be liable for any damage to the District's distribution system resulting from the street construction or from the person's construction on the District's distribution system.

3.14

Contractors Hired by the District. Portions of this Chapter may be waived for persons hired by the District to construct any part of the District's distribution system.

3.15

Delegation of Authority. The General Manager shall have the authority to delegate the performance of any of the Manager's responsibilities to any District employee or independent contractor.

3.16

Standards. All procedures, design, work, materials, capacities, facilities and other improvements shall be based on the applicable provisions of the latest revisions of State and Local regulations and generally accepted standards of water works practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with District standards. Such regulations and standards are included in but not necessarily limited to the following references:

Waterworks Standards of the California Department of Health Service

Titles 17 and 22 of the California Administrative Code

California Safe Drinking Water Act

Uniform Plumbing Code

Uniform Fire Code

American Water Works Association

SECTION 4.00 Connection to and Construction of Water Facilities

4.01 In General. Nothing in this Chapter shall be construed as preventing or limiting the right of the District to require or undertake the preparation of engineering, economic, environmental or financing evaluations from any person requesting water service from the District, which service necessitates the installation of water facilities, and thereafter to require the construction of such facilities as a condition of service, all without cost to the District.

4.02 Requirement of Meters. Following the effective date of this Chapter, every connection made to the District distribution system or service connection shall provide for and include a meter. The meter shall be supplied, approved and/or installed, by the District prior to the time the owner connects to the District's distribution system.

4.03 Installation of Service Connections and Meters.

(a) Whenever practicable, the service connection from the water main to the customer's property line shall be installed at the time the main is constructed.

(b) Main line extensions, service connections and meters shall be installed only after the District's issuance of a permit and after payment by the customer of all District fees and charges.

(c) Main line extensions, service connections and/or meters shall be installed, at the District's option, either by the District or by persons hired by the District or under the supervision of District employees.

(d) When main line extensions, service connections or meters are not installed by the District, the main line extension, service connection or meter shall be installed only by bonded contractors licensed to perform such installation.

(e) When the District determines that any installation shall be performed by the District or persons hired by the District, the applicant shall pay in advance an amount of funds equal to the approximate costs of construction and other necessary expenses. Upon completion of construction, the District shall refund any funds paid by the applicant and the applicant shall pay the amount, if any, by which the actual costs exceed the deposit.

4.04 Size of Service Connection. The size of the service connection shall be approved by the District in advance. Except when specifically approved by the Manager, the maximum size for a single family service connection shall be one inch. The standard size for a townhouse and cottage lot service connection shall be 3/4 x 5/8 inches and for an estate lot service connection shall be 3/4 inch.

4.05 Installation of Private Water Line. The customer shall, at the customer's own expense, install according to District standards the customer's private water line. The private water line shall remain the sole property of the customer.

4.06 Financial Responsibility for Installation of Water Facilities. An applicant who installs or causes to be installed any part of the District water facilities shall be financially liable for the costs of installation, and all incidents thereof.

4.07 Relocation of Service Connection at Customer's Request. Upon a customer's written request, a service connection may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's distribution system. The cost of the relocation shall be borne by the customer and shall be payable in advance to the District. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the District), design, installation, inspection, administration, overhead, and any other necessary, related expenses.

4.08 Relocation of Service Connection at District's Request. Where a service connection is relocated for the convenience or protection of the District, the relocation shall be at the expense of the District provided such relocation is not made necessary by the customer.

4.09 Change of Meter at Customer's Request.

(a) A customer may apply in writing to the District to change the size of an installed meter.

(b) If the existing service connection is adequate to serve the proposed change in meter size and



the District determines that the change is necessary or advisable, the District shall authorize a change. Before the meter is changed, the customer shall pay all applicable fees and charges to the District.

- (c) If the existing service connection is inadequate to serve the proposed meter change, the service connection shall be changed at the customer's expense. Before the meter and service connection are changed, the customer shall pay all applicable fees and charges to the District.

4.10 Separate Service Connections. Separate premises, whether owned by the same or different persons, shall not be supplied with water through the same service connection.

4.11 Division of Presently Served Premises. When premises currently served by the District's distribution system are divided into two or more premises, the existing meter and service connection shall be considered to belong to the premises which the meter or service connection most directly enters and the new premises shall require the installation of additional meter(s) and service connection(s) and payment of all applicable fees and charges.

4.12 Plans.

- (a) Each application for a permit, for which installation of water facilities is necessary, shall be accompanied by three sets of plans and specifications for the installation.
- (b) The plans shall be the exclusive property of the District.
- (c) The Manager shall determine the adequacy of the proposed water facilities as to size, type and quality of materials, and as to the location of facilities to serve the proposed development, including off-tract pipelines and other appurtenances.
- (d) The District Manager or Engineer shall certify in writing whether the plans and specifications submitted conform to District standards.

4.13 Easements and Rights-of-way.

- (a) Any applicant who installs or proposes to install water facilities shall furnish the District all necessary easements and rights-of-way for such facilities and the subsequent operation and maintenance thereof.
- (b) If the applicant cannot furnish the necessary easements and rights-of-way, the District may, at its sole option, acquire such easements and rights-of-way, subsequent to the applicant's

payment to the District of all funds necessary to cover the District's cost of such acquisition.

(c) Until the necessary easements and rights-of-way have been properly executed and recorded, the District shall not approve any plans for water facilities to be constructed by the person across the property of another person, the District shall not accept for public use any such water facilities and no person shall place into use any such water facilities.

4.14 Performance Bond. The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the water facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of the water facilities constructed by the applicant for a period of one year following the District's written acceptance of the work.

4.15 Liability. The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising during or stemming from the performance of any work by an applicant. The applicant shall be answerable for, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and interest, incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss which may develop therefrom.

4.16 Dedication Requirements. An Offer of Dedication of the water facilities, excluding any private water lines, shall be included in any application for a permit. The District shall not accept for dedication any portion of the water facilities which are not constructed in conformity with the requirements of the main line agreement, if any, and of this Article.

4.17 As-Built Plans. Two sets of blue-line prints and one set of reproducible drawings delineating as-built water lines and appurtenances shall be filed with the District prior to, and as a condition of, the District's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.

- 4.18 Inspection. The Manager shall have the right to inspect all work during and subsequent to its construction. When the construction is completed, the work must be inspected and approved by the Manager before the newly constructed water facilities may be connected to the District's distribution system.
- 4.19 Certificate of Final Inspection and Completion. When the Manager determines that all work done under the permit and main line extension agreement, if any, has been constructed according to, and meets the requirements of, all applicable provisions of this Chapter, the agreement, and other District rules and regulations, and when all fees have been paid, the Manager shall authorize the issuance of a Certificate of Final Inspection and Completion.
- 4.20 Ownership Upon Dedication. When the Certificate of Final Inspection and Completion is issued, the District shall accept the Offer of Dedication and authorize the connection of the new water facilities. Upon connection to the District's distribution system, the new water facilities, excluding private water lines, shall become the exclusive property of the District.

#### SECTION 5.00 Main Line Extensions.

- 5.01 Water Main Extension. Any person requesting water service from the District which necessitates an extension of the District's main line shall apply to the District for a main line extension agreement on the forms prescribed by the District.
- 5.02 Formation of an Assessment District. At the District's sole option, the District may utilize any statutory or other procedure concerning assessment districts to finance the construction of the main line extension, metered service connections and related appurtenances.
- 5.03 Size of New Main Line. The District may require the installation of a main line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger main line, the District shall either:
- (a) pay the difference in cost, as determined by the District, between the size necessary to serve the applicant's construction and the larger main line or;
  - (b) perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover the cost of installation, and other necessary expenses, of the main line required by the applicant;

- (c) require the applicant to construct the larger line subject to reimbursement as hereinafter provided;
- (d) a combination of the foregoing.

5.04 Reimbursement for Extensions. When an applicant enters into a main line extension agreement with the District which requires the installation of a main line larger than that necessary to adequately serve the applicant's property, the agreement shall provide for a refund to the applicant as follows:

- (a) Within the limits specified herein, when the mainline extension has been installed at the applicant's sole expense, the applicant shall be entitled to such percentage as the Board may determine, of the capital improvement connection fee received by the District for connection into the mainline extension paid for by the applicant.
- (b) Any amounts collected by the District for the distribution pipeline component, subject to Section 5.04(a), shall be refunded to the applicant within ninety days following the District's receipt thereof; provided that no refund shall be made for connections made after five (5) years from the date of completion of the main line extension.
- (c) The total amount which may be refunded to the applicant shall not exceed such percentage as the Board may determine of the net amount advanced to the District for the extension, if installed by the District; or such percentage of the estimated cost, as determined by the Board, for such extension if installed by the applicant.

5.05 Pre-Existing Main Line Extension Agreements. Notwithstanding any section of this Chapter, all main line extension agreements on or before adoption of this water code shall be governed by the rules under which the pre-existing main line extension agreements were made at the time of execution of that particular agreement.

#### SECTION 6.00 Permits and Fees.

6.01 Permit Required. No persons, other than those specifically excluded by this Chapter, shall uncover or cause to be uncovered, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to or cause to be connected to, any public water main or other portion of the distribution system or services owned by the District without first obtaining a permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

- 6.02 Application for Permit. Any person legally entitled to apply for and receive a permit shall make application for a permit on forms provided by the District for that purpose. An applicant shall describe the proposed construction and location, ownership, occupancy, and use of the premises in connection therewith. The Manager may require, in addition to the information specified, any additional information from the applicant which will enable the Manager to determine that the proposed connection complies with the provisions of this Chapter.
- 6.03 Unauthorized Usage of Permit.
- (a) Upon prior, written approval of the District, a person to whom a permit has been issued may transfer a permit to another person solely for the same use and premises for which the permit was issued, subject to all terms and conditions under which the permit was issued. The transferee shall meet all requirements of the District relating to the transfer.
  - (b) Usage of a permit for a premises other than the premises for which the permit was issued shall be an unauthorized usage and shall render the permit void and invalid.
  - (c) A person engaging in an unauthorized usage of the permit shall apply to the District for an appropriate permit. If the District issues the permit, the applicant shall pay the appropriate current fees and charges.
- 6.04 Persons Excluded From This Section. The provisions of this Section 6.00 may be waived by the Manager for contractors constructing water facilities or improvements under contract with the District, or under contract awarded by the District under proceedings pursuant to any of the special procedure statutes of the State providing for the construction of water facilities and the assessing of the expenses thereof against the lands benefitted thereby.
- 6.05 Plan Checking. No permit shall be issued until the General Manager has checked and approved the plans in accordance with the applicable provisions of this Chapter.
- 6.06 Payment of Fees and Charges. No permit shall be issued until all fees and charges in connection therewith are paid to the District.
- 6.07 Applicant's Agreement to Comply With Code. The applicant's signature on an application for a permit or the applicant's acceptance of any permit

shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's Water Code, with all other rules and regulations of the District, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the District in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest, and may be altered only by the District in writing upon the applicant's written request.

- 6.08 Time Limits on Permits. If work under a permit is not commenced within six (6) months from the date of issuance of the permit or if, after commencing, the work be discontinued for a period of one (1) year, the permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefor at applicable rates then in effect.

Section 7.00 Rates and Charges.

- 7.01 Water Service When Service Connection is Adequate.  
Where an existing and adequate service connection and/or meter are properly connected to the District distribution system, and which is or has been legally servicing the premises or for which a District connection permit has been issued, an applicant for water service from the District shall be entitled to such service after the applicant submits an appropriate application to the District, and complies with all other District regulations. However, if the applicant is delinquent in any bills to the District, the applicant shall pay such bills in full, prior to receiving District water service.
- 7.02 Water Service When Service Connection is Inadequate.  
Where the installation or enlargement of a main line, service connection or meter is necessary prior to the District's supplying service to an applicant, the applicant shall submit a connection permit application to the District for service. If the District has sufficient water supply and system capacity to supply water, the District shall accept the application. The District shall furnish the water service subsequent to the applicant's construction, or payment for the construction, of the necessary portions of the distribution system; the applicant's payment of all fees to the District; the applicant's compliance with all District rules and regulations; and the applicant's payment in full of all delinquent charges, if any, owed to the District.
- 7.03 Installation Fees. When the District installs a service connection or meter, the District shall collect the following deposits from an applicant prior to the installation of service connection and

meters, except for service under Section 8.02 for temporary water service. The installation of all service connections or meters shall be on the basis of actual cost. If the actual cost of the installation is less than the deposit, the District shall refund the difference within 60 days of the installation. If the actual cost of the installation is greater than the deposit, the applicant shall be billed for the difference.

- (a) Fees to be advanced by applicant for installation of a meter:

<u>Meter Size</u>	<u>Amount of Fee</u>
5/8 x 3/4 inch	\$165.00
3/4 inch	\$185.00
1 inch	\$245.00
Larger Meter	As determined by the Manager based on estimated cost for installation.

- (b) Fees to be advanced by applicant for installation of a service connection;

The amount of the fee shall be determined by the Manager based on an estimate of the cost of installing the service connection on a time and material basis plus an overhead charge as determined by the Manager, such overhead charge currently being 20%.

7.04

Capital Improvement connection Fee. The District shall collect from all applicants for water service connection under Section 7.02, a Capital Improvement Connection Fee, (CICF) to ensure the continued availability of facilities through periodic system expansion and replacement.

- (a) Meter Size                      CICF To Be Paid By Applicant

5/8 x 3/4 inch	\$ 750.00
3/4 inch	\$1,030.00
1 inch	\$1,590.00
Larger Meter	As recommended by the Manager and approved by the Board.

- (b) For multiple dwellings, CICF shall be based on 0.75 times the number of dwelling units times the fee for a 5/8 x 3/4 inch service.

- (c) Private Fire Service: In addition to any other charge required by this Chapter, premises equipped with private fire protection systems connected to the District distribution system shall pay a private fire service CICF of \$750.00 for each 5/8 x 3/4 inch, 3/4 inch, or 1 inch size service.

- (c) A charge of 2 cents per 100 gallons for water used each month, as measured thru the meter.

Section 8.00 Special Types of Water Service.

8.01 Water Service Outside District.

- (a) The District may provide or allow water service to persons outside its boundaries when the Board finds that such service shall not adversely affect the water service within the District and that a surplus supply of water and pipeline capacity exists.
- (b) In the event that, because of increased usage or other causes, service outside the District becomes adverse to the District's interest or the interest of District customers located within the District or surplus water and/or pipeline capacity is no longer available for such outside use, the District may discontinue or disconnect the service outside the District 120 days after the District gives written notice to the person or premises receiving the water that such outside service is to be terminated.
- (c) Except as set forth in this Section, the rules and regulations of the District shall apply to all customers outside the District.
- (d) Rates and charges to all customers outside the District shall be one hundred fifty percent (150%) of the applicable rate and charges for customers within the District, as set forth in Section 7.00. No Capital Improvement Connection Fee (CICF) shall be charged for water service outside the District.
- (e) Prior to receiving service, a customer outside the District shall deposit an amount equal to three months of the District's applicable rates for water service.
- (f) The supply of water to persons outside the District shall not create a vested right with the person outside the District to continue to receive water service from the District nor any credit or refund for improvements made to receive such water service.

8.02 Temporary Water Service. Before temporary service is supplied through a fire hydrant or other connection, the applicant shall obtain a permit or other written approval from the District.

- (a) The applicant for temporary water service shall pay the charges set forth in Section 7.07.



- (b) Temporary service may be interrupted for fire, testing or other conditions deemed necessary by the District.

Section 9.00 Collection of Rates and Enforcement Provisions.

9.01 Collection of Charges for Water and Other Services.

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

9.02 Billing. All water service accounts may be billed periodically at bi-monthly (approximately sixty day) intervals except for mid-cycle starts.

- (a) Flat rate accounts shall be billed during the service period (approximately sixty (60) days) for which the bill is rendered.
- (b) Metered accounts shall be billed in arrears; meters shall be read as nearly as possible at regular intervals.

9.03 Persons Billed.

- (a) The District shall bill the property owner directly for all water services provided to the owner's premises.
- (b) The property owner shall be liable for payment of all District charges regardless of whether the bill is sent to the owner's home address or the address of other owned premises.

- 9.04 Due Date. All bills shall become due and payable on the date of presentation.
- 9.05 Delinquency.  
Bills for service are delinquent when the bills remain unpaid in part or in whole for thirty or more days after the bill is due.
- 9.06 Delinquencies -- Basic Penalty.  
(a) A one-time basic penalty of ten percent (10%) of the rate for one month shall be added to each delinquent bill for the first month the bill is delinquent.  
  
(b) After assessing the basic penalty provided in Section 9.06(a), thereafter an additional penalty of one-half (0.5 percent) per month shall be added to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the county auditor to include the amount of all delinquencies on the bills for taxes levied against the appropriate premises as set forth in Section 9.09.
- 9.07 Payment of Part of Delinquency. Monies paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.
- 9.08 Liens. Unpaid water service charges imposed by this Chapter, when the charges are recorded, shall constitute a lien upon the parcel of real property to which the water service was supplied. The District shall include a statement on its bills to the effect that any water service charges and penalties thereon remaining unpaid shall, when recorded, constitute a lien on the parcel to which the water service was supplied. The District may from time to time compile lists of such delinquent charges and record them with the County Recorder as liens, provided that the District shall first have given notice to the customer.
- 9.09 Collection of Delinquent Charges With Taxes.  
All rates, charges, penalties and interest which remain delinquent may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.
- 9.10 Meter Testing. The District may test meters at any time and shall test a meter upon the written request of a customer who first deposits twenty five dollars (\$25) with the District. If the test indicates the

meter is registering within five percent (5%) of accuracy, the testing fee shall be retained by the District to cover its cost of testing. If the test indicates the meter is more than five percent (5%) in error, the testing fee shall be refunded to the customer and the District shall repair or replace the meter at its discretion. If the meter error is over five percent (5%) in the customer's favor, the District shall refund to the customer the estimated overcharge for a period of two billing cycles immediately preceding the meter testing. If the error is in the District's favor, a supplemental bill may be rendered to the customer equal to the difference between the customer's average bill for comparable service and the customer's actual bills for the preceding two billing cycles.

- 9.11 Adjustment of Bills. The Manager may adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days after receipt of the Manager's written decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

#### SECTION 10.00 Conservation.

- 10.01 Definitions. As used in Section 10.00, the following terms shall have the specified meanings.

- (a) Dwelling unit shall mean any structures intended for human habitation or use, either transient or permanent.
- (b) Pressure reducing valve shall mean a valve device which regulates water pressure to structures and is designed to limit the pressure for use within that structure.
- (c) Public use shall mean all commercial or industrial establishments, including restaurants, bars, public buildings, comfort stations, schools, gymnasias, or other places to which the public has access or which are frequented by the public with or without special permission or invitation, and installations both free and pay where fixtures are installed so that the fixtures' use is similarly unrestricted.
- (d) Self-closing valve shall mean a valve device designed to close by spring or by water pressure when left unattended.
- (e) Water saving aerator shall mean an aerator equipped to limit water flow to a maximum of three gallons per minute.

(f) Water saving toilet shall mean a tank type toilet or water closet designed to function with a maximum three and one-half gallons per flush.

- 10.02 Water Waste. No person shall cause or permit any water furnished to the person's premises by the District to run to waste. The District may, pursuant to the requirements of Section 11.00, disconnect the District's service to any premises and/or customer for the customer's failure to comply with this Section. The District may inspect or install test meters in unmetered service to determine compliance.
- 10.03 Leaky Fixtures. It shall be unlawful for any person to maintain or allow on the person's premises leaky or faulty water fixtures or devices to which District water is supplied, so that District water is wasted thereby. Failure to repair or disconnect such leaky or faulty devices within seven days after being notified in writing to do so by the District shall be sufficient cause for the District to disconnect its water service from such premises, pursuant to the requirements of Section 11.00, until the repairs have been made.
- 10.04 Conservation Devices Required on New Dwelling Units. All new dwelling units connected to the District distribution system after the effective date of this Chapter shall be equipped with District-approved water saving showerheads, water saving aerators on sinks and lavatories, water saving toilets. Pressure reducing valves shall be installed on new dwelling units where District approved improvement plans call for such installation in accordance with District Standards.
- 10.05 Conservation Devices Required on New Public Users. All new public users connected to the District distribution system after the effective date of this Chapter shall be equipped with District-approved water saving showerheads, water saving toilets, and self-closing valves on lavatories. Pressure reducing valves shall be installed on new public use facilities where District approved improvement plans call for such installation in accordance with District Standards.
- 10.06 Air Conditioning and Refrigeration Devices. All new or replacement air conditioning and refrigeration systems using water from the District distribution system or discharging to the District sewer system, installed after the effective date of this Chapter, shall be equipped with water conservation devices of sufficient capacity to limit makeup water to a maximum 0.2 GPM per ton of rated capacity under full loading at a maximum summer temperature of 105 degrees Fahrenheit.

10.07 Evaporative Coolers. Evaporative coolers installed after the effective date of this Chapter shall be equipped with a recirculating pump. The makeup supply line shall be equipped with an inlet valve which shall open only when makeup water is required.

10.08 Swimming and Wading Pools.  
(a) All swimming or wading pools installed after the effective date of this Chapter, which have a capacity of over two thousand gallons of water, and which use water from the District distribution system or which discharge water into the District sewer system, shall be equipped with recirculating systems and approved filters.

(b) Filling or discharging swimming or wading pools shall be limited to the hours between 8:00 p.m. and 7:00 a.m.

10.09 Irrigation and Sprinkling. No person shall use, or cause to be used, any District domestic water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty minutes in any valved section or through a hose for a period exceeding two and one-half hours during each day.

10.10 Charge for Wasted Water. The amount of any water wasted in any manner prescribed by this Chapter shall be estimated by the Manager and charged for at the rates set by the Board of Directors.

10.11 Construction Uses. Water uses for dust control, curing, compacting, cleaning or other construction use may be subject to limitations and shall not interfere with other domestic uses.

#### SECTION 11.00 Enforcement, Disconnection and Restoration of Service.

11.01 Enforcement. The General Manager shall enforce the provisions of this Chapter and, for such purpose, shall have the powers of a peace officer, if deputized or if authorized by law. Such power shall not be regarded as limitations on or otherwise affecting the powers and duties of the County Health Officer.

11.02 Violation of Chapter. In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation and the General Manager shall have the authority to disconnect the property served from the District distribution system, in the manner set forth herein.

- 11.03 Public Nuisance. Continued habitation of any building or continued operation of any commercial or industrial facility in violation of the provisions of this or any other Chapter, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial or commercial facility during the period of such violation.
- 11.04 Disconnection. As an alternative method of enforcing the provisions of this or any other Chapter, rule or regulation of the District, the Manager shall have the authority to disconnect the customer from the District's distribution system, without liability to the District, in the following manner:
- (a) At least ten days before the proposed disconnection of any service, a customer shall be provided with written notice of the procedure for and the availability of an opportunity to discuss the reasons for the proposed disconnection of service.
  - (b) After notice has been given as specified in subparagraph (a) and prior to disconnection of service, a customer shall have the opportunity to discuss the reason for the disconnection with an employee designated by the District who shall be empowered to review disputed bills, rectify errors, and settle controversies pertaining to disconnection of service.
  - (c) No service shall be disconnected by reason of delinquency in payment of bills on any Saturday, Sunday, legal holiday, or any time during which the District's office is not open to the public.
- 11.05 Settling Disputes. The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes pertaining to such matters.
- 11.06 Public Nuisance and Abatement. During the period of any disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the District to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and as a condition of restoring service, the District shall be paid reasonable attorney's fees and costs of suit arising from such action, plus any other necessary charges for or incurred in the restoration of service.
- 11.07 Restoration of Service. When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums

are paid in full, plus all District expenses for disconnecting and restoring the service, plus a twenty five dollar (\$25) restoration fee.

- 11.08 Recovery of Costs. In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.
- 11.09 Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.
- 11.10 Cumulative Remedies. All remedies set forth herein for the collection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.
- 11.11 Misdemeanor. A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of a day that a violation of the Chapter continues, shall be deemed a separate offense hereunder and shall be punishable as such.

#### SECTION 12.00 Severability.

- 12.01 Severability. The Board hereby declares that it would have passed this ordinance and thereby adopted this Chapter, or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the ordinance or the application thereof to any person or circumstances is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application of such provisions to other persons or circumstances.

#### SECTION TWO:

The establishment, modification, structuring, restructuring and approval of the fees, rates and charges heretofore set forth in SECTION ONE hereof, are for the purposes of continuing to provide funds to meet the District's costs of operation and maintenance, supply and equipment, financial reserve, debt

service and capital replacement needs, and are necessary to maintain and improve service within the District's existing service boundaries.

SECTION THREE:

This ordinance shall be posted in at least two public places within the District within fifteen (15) days of its adoption. This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District, Sacramento County, California, at a meeting duly held on September 28, 1983 by the following vote on roll call:


AYES: Directors, Brandt, Cravens, Devlin, Dudley, Elliott

NOES:

ABSENT:

\_\_\_\_\_  
President, Board of Directors  
Rancho Murieta Community  
Services District

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors  
Rancho Murieta Community  
Services District