

Title 3 - WATER SERVICE SYSTEM

Chapters:

Chapter 3.04 - GENERAL PROVISIONS

Sections:

3.04.010 - Service area.

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

(Amended during 3-02 supplement: Ord. 1 Art. II, § 2, 1967)

3.04.020 - Description of service.

A.

Supply. The district will endeavor, so far as is reasonably possible, to deliver a continuous supply of water to the customer at a sufficient pressure at the meter, and to avoid any shortage or interruption in delivery. If, in the opinion of the district, it is doubtful if satisfactory water service can be given due to location or elevation of the premises, then the district may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The said release shall, without further notice from the district, remain in effect for all consumers taking water through the service, until changes, extensions or betterments may be made to the distribution system by the district.

B.

Quality. The district will endeavor to supply safe water at all times. The district will also endeavor to provide timely and accurate bills for customers.

C.

Classes of service. All services installed by the district will be classified as follows:

1.

Residential;

2.

Commercial;

3.

Industrial;

4.

Public fire protection;

5.

Private fire service;

6.

Temporary non-potable;

7.

Temporary potable;

D.

Types of service. All services except connections to approved separate fire protection service or to authorized fire hydrants will be metered.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 3, 1967)

3.04.030 - Water loss or leakage.

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

(Amended during 3-02 supplement: Ord. 1 Art. II, § 26, 1967)

3.04.040 - Access to premises.

A.

The district or its duly authorized agents shall at all reasonable times have the right to enter the customer's premises for any purpose properly connected with the service of water to the customer.

B.

Any inspection or recommendations made by the district or its agents on plumbing or appliances or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made without charge.

3.04.050 - Interruptions in service.

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

(Amended during 3-02 supplement: Ord. 1 Art. II, § 28, 1967)

3.04.060 - Resale of water.

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

(Amended during 3-02 supplement: Ord. 1, § 11, 1967)

Chapter 3.08 - WATER SERVICE APPLICATIONS

Sections:

3.08.010 - Application for service.

A.

Application. Each applicant for water service will be required to sign a form provided by the district setting forth:

1. The date and place of application;
2. The location of premises to be served;
3. Whether the premises have ever before been supplied by the district;
4. The purpose for which the service is to be used;
5. The size of service;
6. The address to which bills are to be mailed or delivered;
7. The applicant's authority to apply for service;
8. An agreement to abide by all regulations of the district;
9. Notification of service connection charge and fees.

The application is merely a written request for service and does not bind the applicant to take service for any period of time longer than the one upon which the rates and minimum charges of the rate schedule are based; neither does it bind the district to give service.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 4, 1967)

3.08.020 - Special contracts.

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

- A. When construction of special extension facilities is necessary;
- B. For temporary service;
- C. For standby service or fire service;
- D. For connections with other qualified utilities;
- E. For meters two inches or larger;

F.

For service outside the district.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 5, 1967)

3.08.030 - Special information.

A.

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

B.

Deposit receipts. Each receipt for a cash deposit to establish or re-establish credit for service will contain the following statements:

"This deposit will be applied to unpaid balances if service has been discontinued by the district because of non-payment of bills and the full amount shall be re-established before service will be resumed."

"This deposit, less the amount of any unpaid water bills, will be refunded, on discontinuance of service."

(Amended during 3-02 supplement: Ord. 1 Art. II, § 6, 1967)

3.08.040 - Credit establishment.

A.

Establishment of credit. Each applicant, before receiving service, may be required to establish his credit by either of the following methods:

1.

A cash deposit to secure payment of his water bills as prescribed, in the regulation on deposits; or

2.

Use of service for more than a year, during the last twelve months of which the customer paid all water bills promptly.

B.

Reestablishment of credit. To reestablish his credit, a customer will be required to pay all past due bills up to time service was discontinued. He will be required to pay a reconnection charge and make a cash deposit as described in the regulation on deposits.

(Amended during 3-02 supplement: Ord. 3A § 1, 1987: Ord. 1 Art. II, § 7, 1967)

3.08.050 - Deposits.

A.

Establishment of credit. The amount required to establish credit for service shall be in accordance with the current credit deposit schedule.

B.

Reestablish credit. To reestablish credit, customers must deposit an amount in accordance with the current credit deposit schedule.

C.

Unpaid accounts.

1.

Deposits prescribed herein may be applied to unpaid bills for water service when such service has been discontinued.

2.

The district will require the customer to pay all outstanding bills and redeposit the specified amount before rendering water service again.

D.

Refund or disposition of deposits.

1.

This deposit, less the amount of any unpaid water bills, will be refunded, without interest, on discontinuance of service.

2.

District shall notify the customer of the customer's entitlement to refund of deposit at the customer's last known address as shown on the records of the district.

E.

Exceptions. The above requirements for deposit shall not apply to federal, state, county or municipal service, nor to service to other utilities, religious or charitable institutions.

F.

Unclaimed deposits. Unclaimed deposits shall revert to the district after two years. Deposits shall be deemed unclaimed and shall revert to the district upon the elapse of two years from the date the district mails the notice of entitlement to refund, if no request for refund has been received by the district.

(Amended during 3-02 supplement: Ord. 3A § 2, 1987: Ord. 1 Art. II, § 8, 1967)

3.08.060 - Extension of service.

A.

General. All applicants for service shall be required to make the following payments with their application:

1.

For service within the district as of May 5, 1967;

a.

For service to structures in existence and accepted as of that date, the service connection charges and bond retirement charge set by the district,

b.

For service to structures completed after May 5, 1967, the service connection charges set by the district plus the district capacity charge and bond retirement charge.

2.

For service to areas annexed to the district after May 5, 1967;

a.

Service connection charges set by the district,

b.

Capacity charge,

c.

Bond retirement charge,

d.

Annexation charge.

B.

Capacity charge. The capacity charge shall be determined by the board from time to time and set forth by ordinance. It shall be based on the number and size of service connections and shall be payable upon application for service (or upon construction and prior to acceptance of or service to an in-tract water system in the case of developers). Such charge shall be computed so as, in the sole discretion of the board, to equalize the cost of providing storage, supply, treatment and transmission facilities, with necessary appurtenances, throughout the district. The capacity charge payable by developers or owners shall be in accordance with the capacity charge as established or revised from time to time by the board. If a tract lot owner subsequently applies for a meter larger than the first installed, the difference between the capacity charge for the meter ordered and the capacity charge for the meter first installed shall be payable upon application for service.

C.

Bond retirement charge. A bond retirement charge shall be determined by the board from time to time and set forth by resolution. It shall be based on a pro rata of bond service cost after June 30, 1967. All future bond issue and service costs shall be considered as an addition to the issue of 1966 and prorated as applicable.

D.

Annexation charges. The owner or owners of lands within areas to be annexed to the district shall pay to the district, prior to the final hearing on the proposed annexation, an amount to be fixed by the district board which shall equal the engineering, legal and publication costs and all other charges which may be incurred by the district in preparing and examining maps, legal descriptions and other documents in relation thereto, and other expenses regularly incurred in connection therewith.

E.

Dedication of facilities. All facilities necessary to serve a tract, including easements, well sites, and tank sites, must be dedicated to the district before acceptance of a development for service. The cost of such necessary in-tract and out-of-tract facilities shall be borne by the developer or owner.

F.

Commercial services. Applicants for commercial service shall be treated either as individual applicants or as subdividers for the purpose of determining capacity charges and bond retirement charges, as appropriate in the discretion of the board. The board shall consider such factors as the size of the property served, the number of connections necessary, the amount of main extension required in and out of streets, storage and pressure requirements, and like factors. The board shall have the power to make special arrangements or agreements, or impose special conditions as to commercial services where such seem appropriate.

G.

Inadequate in-tract system. The board in its sole discretion may accept for annexation areas with existing in-tract systems, which do not meet district specifications. In such case, an in-tract facilities charge shall be levied. Such rate shall be determined from time to time by the board and set forth by resolution. It shall be based on size and number of service connections, and shall be payable at time of annexation, unless the board shall determine that such charges may be financed by the applicant by formation of an improvement or assessment district or by some other means. It shall be computed on the basis of actual cost of installation of in-tract systems, with a credit given for the depreciated value of the existing system of applicant.

H.

Credit for construction of facilities by developers or owners.

1.

The cost of out-of-tract facilities (including engineering design fees) after certification as reasonable and proper by the district engineer may be credited against capacity charges.

2.

If the approved cost of facilities exceeds the required charges, the district may enter into an agreement to refund such excess from capacity charges collected for a period not to exceed ten years from future connectors to such out-of-tract facility. The district will make no refunds and will pay only those capacity charges sums actually collected from such future connectors, as defined by the district at time of such agreement.

(Amended during 3-02 supplement: Ord. 32 § 7, 1998: Ord. 1 Art. II, § 29, 1967)

3.08.070 - Responsibility of owner.

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

(Amended during 3-02 supplement: Ord. 1 § 16C, 1967)

Chapter 3.12 - WATER SERVICE CONNECTIONS AND METERS

Sections:

3.12.010 - Service connections and meters.

A.

Service connections. The district will furnish and install a service of such size and at such location as approved by the district. The service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, on other thoroughfares, or on the district right of way or easement. Charges for new service are payable in advance and shall be as fixed by the board of directors by resolution.

B.

Meters.

1.

Meters will be installed at or near the curb or at the property line, at the determination of the district, and shall be owned by the district.

2.

No rent or other charge will be paid by the district for a meter or other facilities, including housing and connections, located on a customer's premises.

3.

All meters will be sealed by the district at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

4.

Only duly authorized employees or agents of the district will be permitted to install a service connection from the district's main to the customer's premises.

C.

Changes in location of meters or services. Meters or services moved for the convenience of the customers will be relocated by the customer at the customer's expense. If meters or services are moved to protect the district's property, through no fault or accident of customer, the cost will not be borne by the customer.

D.

Changes in size of meter or service. Changes in the size of meter or service of existing services will be made by the customer at the customer's expense.

E.

Ownership. The service connection, whether located on public or private property, is the property of the district, and the district reserves the right to relocate, repair, replace and maintain it, as well as to remove it upon discontinuance of service.

F.

Maintenance. The service connection, including the meter and the meter box, will be repaired and maintained by the district at its expense, but the district is not responsible for the installation and maintenance of water lines beyond the end of its service connection.

(Ord. 38 § 6, 2003; amended during 3-02 supplement: Ord. 1 Art. II, § 10, 1967)

3.12.020 - Meter error.

A.

Meter test.

1.

Prior to installation, each meter will have been tested and no meter failing to comply with AWWA Standards will be placed in service.

2.

On customer request:

a.

A customer giving not less than one week's notice, may request the district to test the meter serving his

premises.

b.

The district will require the customer to deposit an amount to cover the reasonable cost of test, as follows:

Size of meter	Amount of deposit
All sizes	\$15.00

c.

This deposit will be returned if the meter is found to register more than three percent (3%) fast.

d.

A written report giving the results of the test will be available to the customer within ten days after completion of the test.

B.

Adjustment of bills for meter error.

1.

Fast meters. When a tested meter is found to be registering more than three percent (3%) fast, under conditions of normal operation, the district will refund to the customer the full amount of the overcharge based on corrected meter readings for the period not exceeding six months, that the meter was in use; unless the exact duration of fast meter registration can be determined.

2.

Slow meters.

a.

When a tested meter used for domestic or residential service is found to be registering more than twenty-five percent (25%) slow, the district may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

b.

When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent (5%) slow, the district may bill the customer for the amount of the undercharge based upon correct meter readings for the period, not exceeding six months, that the meter was in use.

3.

Nonregistering and unreadable meters. The district may bill the customer for water consumed while the meter was not registering or not readable. The bill will be at the minimum monthly meter rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

C.

The opinion and findings of the general manager shall be conclusive, subject to the right of appeal to the board of directors.

(Amended during 3-02 supplement: Ord. 3A § 5, 1987: Ord. 1 Art. II, § 14, 1967)

3.12.030 - Multiple units.

A.

Number of services to separate premises. Separate premises will be supplied through individual or dual service connections at the option of the district.

B.

Service to multiple units.

1.

Separate houses, buildings, living or business quarters on the same premises, under a single control or management, may be served at the option of the district by one of the following methods:

a.

Through separate service connections and individual meters to each or any unit provided that the pipelines system from each service is independent of the others, and is not interconnected.

b.

For properties completed and occupied as of June 26, 1998 through a single service connection to the entire premises, on which only one minimum charge will be applied. The district reserves the right to limit the number of units or area served by one connection.

2.

Service connections shall not be used at any time to supply adjoining property of different ownership or supply property of same ownership on opposite sides of any street or alley.

3.

The responsibility for payment of charges for all water furnished to combined units, supplied through a single service connection, must be assumed by the applicant.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 11, 1967)

3.12.040 - Temporary service.

A.

Service types.

1.

Hydrant meters.

2.

Temporary in-ground or on-ground meters.

B.

Time limit. Temporary service connections shall be disconnected and terminated within six months after installation unless the permit states otherwise or an extension of time is granted in writing by the district.

C.

Charge for water served. Charges for water furnished through a temporary service connection shall be at the established rates.

D.

Installation charge and deposits. The applicant for temporary service will be required:

1.

To obtain a portable meter from the district or pay for a temporary meter installation;

2.

To deposit with the district an amount equal to the replacement cost of any equipment loaned to such applicant for use in temporary service, such value to be set by the general manager;

3.

Temporary service other than a fire hydrant meter shall require deposit in accordance with the schedule for service connection charges. After receipt of deposit, district will provide the temporary facilities. Upon request, the district will remove temporary service facilities and credit customer with the salvage value of materials and equipment removed. All district charges shall be paid before return of customer credits.

E.

Responsibility for meters and installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the utility which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight hours' notice in writing has been given to the district that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

F.

Temporary service on a fire hydrant. If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the fire district authority and the district. It is specifically prohibited for any person other than authorized fire or water district personnel to operate the valve of any fire hydrant. The hydrant valve will not be used for throttling or regulating the flow rate.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 17, 1967)

3.12.050 - Pools and tanks.

A.

When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the district prior to taking such water.

B.

Permission to take water in unusual quantities will be given only if it can be safely delivered through the district's facilities and if other consumers are not inconvenienced.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 18, 1967)

3.12.060 - Responsibility for equipment.

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

(Amended during 3-02 supplement: Ord. 1 Art. II, § 20, 1967)

3.12.070 - Damage to district 's property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the district which is caused by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or

steam from a boiler or heater on the customer's premises. The customer shall reimburse the district for any such damage promptly on presentation of a bill.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 21, 1967)

3.12.080 - Control valves.

A.

The customer shall install a suitable valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the service.

B.

The operation by the customer of the curb stop in the meter box is not permitted.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 22, 1967)

3.12.090 - Ground-wire attachments.

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

(Amended during 3-02 supplement: Ord. 1 Art. II, § 25, 1967)

Chapter 3.20 - TERMINATION OF WATER SERVICE

Sections:

3.20.010 - Notice to actual users.

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

(Amended during 3-02 supplement: Ord. 9 § 2.1, 1989)

3.20.020 - Contents of notice.

The notice required by Section 3.20.010 above shall inform the actual users of the water service that:

A.

Water service will be terminated in ten days; and

B.

They have the right to become customers of the district without being required to pay the amount due on the delinquent account.

(Amended during 3-02 supplement: Ord. 9 § 2.2, 1989)

3.20.030 - Service to actual users.

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

(Amended during 3-02 supplement: Ord. 9 § 2.3, 1989)

3.20.040 - Restrictions on termination.

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

A.

During the pendency of an investigation by the district of a customer dispute or complaint;

B.

When a customer has been granted an extension of the period for payment of a bill;

C.

On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the district has determined the customer is financially unable to pay for water service within the normal payment period and is willing to enter into an amortization agreement with the district pursuant to Section 3.20.060, with respect to all charges that the customer is unable to pay prior to delinquency;

D.

When a customer is complying with an amortization agreement, as provided for in Section 3.20.060, the customer keeps the account current as charges accrue in each subsequent billing period.

(Amended during 3-02 supplement: Ord. 9 § 3.1, 1989)

3.20.050 - Complaints—Requests for investigation.

Any residential customer who has initiated a complaint or requested an investigation, prior to the due date of the disputed bill, or who has, within thirteen days of mailing of the notice required by Sections 3.20.080 through 3.20.140, made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request by the general manager of the district.

(Amended during 3-02 supplement: Ord. 9 § 3.2, 1989)

3.20.060 - Amortization agreements.

The review of the complaint or request shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time not to exceed twelve months. The district shall permit, upon request, any customer meeting the requirements of Section 3.20.040C to amortize, over a period not to exceed twelve months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment.

(Amended during 3-02 supplement: Ord. 9 § 3.3, 1989)

3.20.070 - Appeals.

Any customer whose complaint or request for an investigation pursuant to Section 3.20.050 has resulted in an adverse determination by the general manager may appeal the determination to the board.

(Amended during 3-02 supplement: Ord. 9 § 3.4, 1989)

3.20.080 - Notice of termination.

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

(Amended during 3-02 supplement: Ord. 9 § 4.1, 1989)

3.20.090 - Manner of delivery.

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

(Amended during 3-02 supplement: Ord. 9 § 4.2, 1989)

3.20.100 - Time of mailing and termination.

The notice shall be mailed not earlier than nineteen days after the date of the mailing of the district's bill for services. The date of proposed termination shall be at least fifteen days after the date of mailing the notice.

(Amended during 3-02 supplement: Ord. 9 § 4.3, 1989)

3.20.110 - Contents of notice.

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

A.

The name and address of the customer whose account is delinquent;

B.

The amount of the delinquency;

C.

The date by which payment or arrangements for payment is required in order to avoid termination;

D.

The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that if the disputed bill for service contains a description of that procedure, the notice is not required to contain that information;

E.

The procedure by which the customer may request amortization of the unpaid charges;

F.

The procedure for the customer to obtain information on the availability of financial assistance, including private, local,

state or federal sources, if applicable.

G.

The telephone number of a representative of the district who can provide additional information or make arrangements for payment.

(Amended during 3-02 supplement: Ord. 9 § 4.4, 1989)

3.20.120 - Personal notice.

In addition to the required written notice above, the district shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight hours prior to any termination of water service. This notice shall include the items of information in subsections (A), (B), (C), (F), and (G) of Section 3.20.110.

(Amended during 3-02 supplement: Ord. 9 § 4.5, 1989)

3.20.130 - Failure to comply with amortization agreement.

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

(Amended during 3-02 supplement: Ord. 9 § 4.6, 1989)

3.20.140 - Wrongful termination.

No termination of residential water service may be effected without compliance with Sections 3.20.080 through 3.20.140, and any water service wrongfully terminated shall be restored without charge for the restoration of service.

(Amended during 3-02 supplement: Ord. 9 § 4.7, 1989)

3.20.150 - Cessation of water service when business office not open.

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

(Amended during 3-02 supplement: Ord. 9 § Art. V, 1989)

3.20.160 - Discontinuance of service.

A.

Nonpayment of bills.

1.

A customer's water service may be discontinued if a bill is not paid within fifteen days after the due date. The service will not be discontinued, however, until the amount of the deposit made to establish credit for that service has been fully absorbed.

2.

A customer's water service may be discontinued if water service furnished at a previous location is not paid for within fifteen days after the due date of a bill.

3.

If a customer receives water service at more than one location and the bill for service at any one location is not paid within fifteen days after presentation, water service at all locations may be turned off. Residential service, however, will not be turned off for nonpayment of bills for other classes of service.

B.

Unsafe apparatus.

1.

The district may refuse to furnish water and may discontinue service to any premises where apparatus, appliance or equipment using water are dangerous, unsafe or not in conformity with any laws or ordinances. All customer installed booster pump installations shall be approved by the district prior to operation. The district does not assume responsibility for operation or maintenance of such booster pumps nor guarantee flow or pressure resulting therefrom.

2.

The district does not assume liability for inspecting apparatus on the customer's property. The district does reserve the right of inspection, however, if there is reason to believe that unsafe apparatus is in use.

C.

Service detrimental to others. The district may discontinue service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers as provided in Section 3.28.060. Where water is wastefully or negligently used on a customer's premises, the district may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

D.

Fraud and abuse. The district shall have the right to refuse or to discontinue water service to any premises to protect itself against fraud or abuse.

E.

Noncompliance. The district may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these regulations if the customer fails to comply with them within five days after receiving written notice of the district's intention to discontinue service. If such noncompliance affects matters of health and safety, and conditions warrant, the district may discontinue water service immediately.

F.

Customer's request for service discontinuance.

1.

A customer may have his water service discontinued by notifying the district twenty-four hours in advance of the desired date of discontinuance. He will be required to pay all water charges until the date of such discontinuance.

2.

If notice is not given, the customer will be required to pay for water service for two days after the district has learned that the customer has vacated the premises or otherwise has discontinued service.

G.

Restoration—Reconnection charge. The district may charge one hundred dollars for restoring water service which has been discontinued pursuant to this section.

(Amended during 3-02 supplement: Ord. 3A § 6, 1987: Ord. 1 Art. II, § 15, 1967)

Chapter 3.24 - FIRE HYDRANTS

Sections:

3.24.010 - Use of and damage to fire hydrants.

No person or persons, other than those designated and authorized by the fire district authority, or by the district, shall open any fire hydrant, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be enforced according to Section 3.36.050.

(Amended during 3-02 supplement: Ord. 1 Art II, § 19A, 1967)

3.24.020 - Moving of fire hydrants.

When a fire hydrant has been installed in the location specified by the proper authority, the district has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes, by advance deposit. Any change in the location of a fire hydrant must be approved by the proper authority.

(Amended during 3-02 supplement: Ord. 1 Art II, § 19B, 1967)

Chapter 3.28 - CROSS-CONNECTION CONTROL

Sections:

3.28.010 - Purpose.

A.

The purpose of this chapter is:

1.

To protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user's premises because of some undiscovered or unauthorized cross-connection on the premises; and

2.

To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; and

3.

To eliminate cross-connections between drinking water systems and sources of contamination; and

4.

To prevent the making of cross-connections in the future.

B.

These regulations are adopted pursuant to the California Code of Regulations, Title 17, Public Health, and entitled Regulations Relating to Cross-Connections.

C.

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the district water department and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction, may cause or allow backflow of

water or other substances into the water supply system of the district.
(Amended during 3-02 supplement: Ord. 5 (part), 1988)

3.28.020 - Cross-connection protection requirements.

A.

General provisions.

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the district will require the water user to install an approved backflow prevention device by and at his expense for continued service or before a new service will be granted.
3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the district's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of this chapter.

B.

Where protection is required.

1. Each service connection from the district water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the district, and is approved by the public health agency having jurisdiction.
2. Each service connection from the district water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the district water system which have been subjected to deterioration in sanitary quality.
3. Backflow prevention devices shall be installed on the service connection to any premises having: (a) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the district, or (b) intricate plumbing and piping arrangements or (c) where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

C.

Type of protection required.

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the water user's premises. The types of protective devices that may be required (listed in an increasing level of protection) include: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and an Air-Gap Separation (AG). The water user may choose a higher level of protection than required by the district. The minimum types of backflow protection required to protect the public water supply, at the water user's connection to premises with various degrees of hazard are given in Table 1 of 17 California Code of Regulations 7604, a copy of which is attached and incorporated herein by this reference. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the district or health agency.
2. Two or more services supplying water from different street mains to the same building, structure, or premises through which an inter-street main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valve shall not be considered adequate if backflow protection is deemed necessary to protect the district's mains from pollution or contamination; in such cases the installation of approved backflow devices at such service connections shall be required. (Amended during 3-02 supplement: Ord. 5 (part), 1988)

3.28.030 - Backflow prevention devices.

A.

Approved backflow prevention devices.

1. Only backflow prevention devices which have been approved by the district shall be acceptable for installation by a water user connected to the district's potable water system. Backflow prevention devices approved by AWWA and/or the University of Southern California (USC) shall be deemed acceptable for installation.
2. The district will provide, upon request, to any affected customer a list of approved backflow prevention devices.

B.

Backflow prevention device installation.

1.

Backflow prevention devices shall be installed in the manner prescribed in Section 7603, Title 17 of the California Code of Regulations and in accordance with district standard details. Location of the devices should be as close as practical to the water user's connection. The district shall have the final authority in determining the required location of a backflow prevention device.

a.

AG: The air-gap separation shall be located on the water user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate at a distance of at least two pipe diameters of the supply inlet, but in no case less than two inches above the overflow rim of the receiving tank.

b.

RP: The approved reduced pressure principle backflow prevention device shall be installed on the water user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches above grade and not more than thirty-six inches above grade measured from the bottom of the device and with a minimum of twelve inches side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the district.

c.

DC: The approved double check valve assembly shall be located as close as practical to the water user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of six inches between the bottom of the vault and the bottom of the device, so that the top of the device is no more than a maximum of eight inches below grade, so there is a minimum of twelve inches of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of twelve inches clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a six-inch layer of gravel.

2.

All backflow prevention devices for which any portion of the device exceeds twelve inches in height from the adjacent finish grade shall be fully screened from view from the public right-of-way. However, this subsection shall not require any screening in a front yard to exceed forty-two inches in height from the adjacent finished grade. Landscaping shall compose one component of all screening, which is not otherwise accomplished by a building(s) on the site.

C.

Backflow prevention device testing and maintenance.

1.

The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated his or her competency in testing of these devices to the district. Persons who have current certification issued by AWWA or USC as backflow prevention device testers shall be deemed to have demonstrated such competency. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The district may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the district shall be filed with the district each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

2.

The district will supply affected water users with a list of persons acceptable to the district to test backflow prevention devices. The district will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

D.

Backflow prevention device removal.

Approval must be obtained from the district before a backflow prevention device is removed, relocated, or replaced:

1.

Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the district to verify that a hazard no longer exists or is not likely to be created in the future;

2.

Relocation. A device may be relocated following confirmation by the district that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

3.

Repair. A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved

by the district. A retest will be required following the repair of the device; and

4.

Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the district and must be commensurate with the degree of hazard involved.

(Amended during 3-02 supplement: Ord. 8 Art. I, 1989; Ord. 5 (part), 1988)

3.28.040 - User supervisor.

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

(Amended during 3-02 supplement: Ord. 5 (part), 1988)

3.28.050 - Administrative procedures.

A.

Water system survey.

1.

The district shall review all requests for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the district upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

2.

The district may require an on-premise preliminary inspection (screening) to evaluate cross-connection hazards. The district will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premise inspection of his piping system shall be required to install the backflow prevention device the district considers necessary.

3.

If the preliminary inspection reveals that cross-connection hazards do exist on any premises, the district and/or the health agency shall conduct a detailed inspection to evaluate the existing hazards. The district will transmit a written notice requesting an inspection appointment to each affected water user.

4.

Any water user who cannot or will not allow an on-premise inspection of water user's piping system shall be required to install the backflow prevention device the district or health agency considers necessary.

5.

Based on findings of the detailed inspection, the district will prepare a report outlining the defect found and the manner in which it is to be corrected.

B.

Customer notification—Device installation.

1.

The district will notify the water user of the inspection findings, listing the corrective actions to be taken. A period of sixty days will be given to complete all required corrective actions, including installation of backflow prevention devices. In the event the water user installs a mechanical backflow prevention assembly, the water user may elect to have the district perform the initial testing of the assembly.

2.

The district will reinspect the premises at the end of that time period to verify compliance or noncompliance. Findings of this inspection will be given to the health agency.

3.

If the water user does not comply within the time period allowed, the district and/or the health agency will issue a second notice. The second notice will give the water user fourteen days to take the required corrective action.

4.

If the water user fails to comply within the fourteen day period, the district may terminate water service to the affected water user until compliance is obtained.

C.

Customer notification—Testing and maintenance.

1.

The district will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the water user with the necessary form to be completed and submitted to the district.

2.

A second notice shall be sent to each water user who fails to have the backflow prevention device tested as

prescribed in the first notice within the thirty day period allowed. The second notice will give the water user fourteen days to comply. If no action is taken within this time period, the district may terminate water service to that water user until the subject device is tested.

3.

Reports of testing and maintenance shall be maintained by the district for a minimum of three years.

(Amended during 3-02 supplement: Ord. 5 (part), 1988)

3.28.060 - Water service termination.

A.

General. When the district encounters water uses that represent clear and immediate hazards to the potable water supply that cannot be immediately abated, the district shall discontinue water service as described in subsection C of this section.

B.

Basis for termination.

Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

1. Refusal to install a required backflow prevention device;
2. Refusal to test a backflow prevention device;
3. Refusal to repair a faulty backflow prevention device;
4. Refusal to replace a faulty backflow prevention device;
5. Direct or indirect connection between the public water system and a sewer line;
6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
7. Unprotected direct or indirect connection between the public water system and an auxiliary water system; and
8. A situation which presents an immediate health hazard to the public water system.

C.

Water service termination procedures.

1. For conditions of subsections (B)(1), (2), (3), or (4) of this section, the district will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be taken. If no action is taken within the time period allowed, the district may terminate water service.
2. For conditions of subsections (B)(5), (6), (7), or (8) of this section, the district will take the following steps:
 - a. Make reasonable efforts to advise the water user of its intent to terminate water service;
 - b. Immediately terminate water service and lock the service valve. The water service will remain inactive until the condition has been corrected to the satisfaction of the district.

(Amended during 3-02 supplement: Ord. 5 (part), 1988)

Chapter 3.32 - WATERWELL PERMITS AND STANDARDS

Sections:

3.32.010 - Certain provisions adopted.

The provisions of Chapter 15.08, Waterwells, of the Monterey County code, now in effect and as they may be amended hereafter, except as otherwise hereinafter provided, are adopted, enacted and set out in full with amendments as Appendix B to this code.

(Amended during 3-02 supplement: Ord. 13A § 1990: Ord. 13 §§ 1, 2, 1990)

3.32.020 - Non-district waterwells restricted.

Except as provided in subsection A of this code, no water well may be constructed or reconstructed within the boundary of Marina Coast Water District, excepting wells constructed by the district.

A.

Small, shallow wells allowed under permit. Wells no deeper than one hundred feet below ground surface may be constructed for landscape irrigation or other non-potable purposes under permits issued and administered by the district pursuant to this chapter. A district permit shall be issued only after all other state, county and city agencies having jurisdiction have approved and set conditions for the well construction. The district shall not issue a permit for any well with a casing inside diameter larger than six inches. All wells shall conform to the requirements of this chapter, concerning water wells. Approval or disapproval of a permit for proposed well construction shall be at the sole discretion of the district.

B.

Existing wells. Wells constructed and existing before the effective date of this section shall be exempt from the restrictions of this section and the requirements of Section 3.32.030, as long as such wells are functional without redrilling, recasing, rescreening or major reconstruction. Redrilling, recasing, rescreening and major reconstruction shall require compliance with this section and with Section 3.32.030. Replacement of foot valves, pumps, motors, discharge piping and accessory equipment shall not be considered major reconstruction for purposes of this chapter.

C.

Well water must be used on site. Water from non-district wells shall not be used off of the parcel on which the well is located.

(Amended during 3-02 supplement: Ord. 31 § 4.4, 1996)

3.32.030 - Well permits.

Permits required by Section 3.32.020 of this chapter shall be issued and administered in accordance with this section.

A.

Permit procedure. Before commencement of construction of a well the owner shall first obtain a written permit signed by the general manager. The application for such permit shall be made on a form furnished by the district, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the general manager. A permit and inspection fee as established by the district shall be paid to the district at the time application is filed.

1.

Application for a water well permit or exploratory well permit shall be made to the general manager on a form that contains all of the following information. If any of this required information is lacking or incomplete, the general manager shall reject the application:

a.

Full names, addresses and signatures of the owner or owners of the property on which the proposed well will be located and of the property on which the water from the proposed well will be used or applied;

b.

A list of the names and addresses of the owners of property within a radius of two hundred feet from the location of the proposed well, and of property adjoining the property on which the proposed well will be located;

c.

A plat showing the location of the well in relation to properties within a two hundred foot radius of the well, and in relation to properties adjoining the property on which the proposed well will be located;

d.

A profile diagram showing the depth, direction and dimensions of the proposed well and any casings or other components of the well, including any pump, storage and electrical service;

e.

Pump and well specification and calculations showing the potential capacity of the proposed well;

f.

An environmental assessment as provided in the district's regulations and in the CEQA Guidelines published by the California State Office of Planning and Research; and

g.

A nonrefundable fee of five hundred dollars for each application, both temporary and permanent applications, for the costs of processing the applications.

2.

An exploratory or production groundwater well permit may be issued only if the district determines that in the course of exploration or production a well would not be likely to present risks to the public health, safety or welfare.

3.

The general manager shall determine whether the application shows that the development of the proposed well would have a "significant environmental impact" under the California Environmental Quality Act and take such action as may be required. If an environmental impact report is required, the general manager shall recommend to the district the engagement of an environmental consultant and such other experts as may be required to prepare such a report. The applicant shall advance the estimated costs of the preparation of the report, including but not limited to the fees and expenses of experts, and typing, mailing and reproduction

costs. If the applicant fails to advance such costs in full within thirty days of notification of the estimate costs, the application shall be denied.

4. The district shall set a public hearing on the application after the completion of environmental review and give fifteen days' notice of the hearing by regular mail to the owners of property within a radius of two hundred feet of the location of the proposed well, and to owners of property adjoining the property on which the proposed well will be located. A notice of public hearing shall also be placed in a general circulation newspaper, with applicant bearing the cost.
 5. The district shall deny the application if it determines that the proposed well would have a significant adverse effect on the environment or present a reasonable likelihood of contaminating water underground or present a reasonable likelihood of producing water whose constituent concentrations upon discharge to the sanitary sewer system would in aggregation with existing concentration exceed the levels permitted by the district's wastewater discharge permit. The district may attach terms and conditions to any permit, and make the permit revocable upon violation of the terms and conditions. The terms and conditions may include security and insurance for environmental hazards, clean-up, and well abandonment.
 6. In the case of an exploratory well or a production well for which data regarding future effects is inconclusive, the district may issue a temporary well permit after the procedure in subsection A of this section has been completed. The permit shall be temporary for the period of one hundred eighty days, and it shall be void thereafter, unless a permanent permit has been issued. The applicant shall apply for a permanent production well permit during the term of the temporary permit. Application for a permanent production well permit shall follow the same procedure and be determined on the basis of the same standards provided in said subsection A. This is including but not limited to subsequent or supplemental environmental analysis and the applicant shall pay the additional reasonable costs of processing, as estimated by the general manager. This also shall include, but not be limited to, the costs of notice, hearing and staff, and preliminary environmental analysis. If subsequent or supplemental environmental analysis is required, the applicant shall advance the estimated costs of the preparation of the analysis, including, but not limited to, the fees and expenses of experts, and typing, mailing and reproduction costs. If the applicant fails to advance such costs in full within thirty days of notification of the estimated costs, the application shall be denied.
- B. Construction commencement. Construction of a well cannot commence until construction drawings have been approved and a district permit has been issued and posted on the construction site.
- C. Permit compliance. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the well, the depth, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the district general manager or other authorized representative.
- D. All work to be inspected. All well construction work shall be inspected by an inspector acting for the district to insure compliance with all requirements of the district. No well shall be completed until it has been inspected and passed for acceptance. Upon satisfactory inspection, and review of the driller's log or a true copy of the driller's well log, the inspector shall issue a certificate of satisfactory completion.
- E. Notification. It shall be the duty of the person doing the work authorized by permit to notify the district in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four hours before the work is to be inspected.
- F. Agreement. The applicant's signature on an application for any permit as set forth in subsection A of this subsection, shall constitute an agreement to comply with all of the provisions, terms and requirements of this chapter and other ordinances, rules and regulations of the district, and with the plans and specifications the applicant has filed with the application, together with such corrections or modifications as may be made or permitted by the district, if any. Such agreement shall be binding upon the applicant and may be altered only by the district upon the written request for the alteration from the applicant.

(Amended during 3-02 supplement: Ord. 31 § 4.2, 1996)

3.32.040 - Well abandonment.

Whenever any existing water well is abandoned, the owner of said well shall, at his expense, seal and cap the well in accordance with the requirements of applicable authorities or as directed by the district.

(Amended during 3-02 supplement: Ord. 1 Art. II, § 23, 1967)

3.32.050 - Enforcement and administration.

The general manager and all officers and employees of the district, including all ex officio officers and employees, shall enforce all the provisions of Sections 3.32.020 and 3.32.030 this chapter. The general manager shall implement and administer this section. The general manager shall report to the board all factors which affect the implementation of this section and shall maintain

a separate file of violations of Sections 3.32.020 and 3.32.030 and a file of any requests for variances from Sections 3.32.020 and 3.32.030.

(Amended during 3-02 supplement: Ord. 31 § 4.3 (part), 1996)

3.32.060 - Violations and warnings.

A.

If any person fails or refuses to comply with Sections 3.32.020 and 3.32.030 of this chapter, the general manager or his agent shall provide that person with written notice of the violation and an opportunity to correct the noncompliance. The notice shall be in writing and shall:

1. Be posted at the site of the noncompliance;
2. State the time, date, and place of violation;
3. State a general description of the violation;
4. State the means to correct the violation;
5. State a date by which correction is required; and
6. State the possible consequences of failing to correct the violation.

B.

A copy of the written notice shall be mailed to the address of the violation.

C.

Each person who receives a written notice of violation shall pay to the district an administrative fee of twenty-five dollars for the first notice and fifty dollars for each subsequent notice. To encourage cooperative water conservation, the general manager may waive payment of the fee for the first notice during all or any part of the first sixty days Sections 3.32.020 and 3.32.030 is in effect.

D.

If a person fails to correct the violation within the time specified in the written notice, the general manager shall take one or more of the following actions:

1. Give the person one or more additional written notices of the violation;
2. Refuse to initiate water service to the site of the violation, if water service has not yet begun;
3. Terminate water service to the site of the violation, in accordance with the district's ordinances and code and procedures for terminating water service;
4. Abate the violation as a nuisance in accordance with Section 3.32.060 of this chapter.

(Amended during 3-02 supplement: Ord. 31 § 4.3 (part), 1996)

3.32.070 - Nuisances, abatement and injunctive relief.

A.

Any violation of Sections 3.32.020 and 3.32.030 is declared to be a public nuisance.

B.

The district may summarily abate the public nuisance and the district's attorney may, upon order of the board, bring civil suit or other action to enjoin or abate the nuisance.

C.

Any person who creates or maintains a public nuisance in violation of Sections 3.32.020 and 3.32.030 shall, in a civil proceeding brought to abate a nuisance or to obtain injunctive relief, be liable for the costs of abatement, including but not limited to the following:

1. Costs of investigation;
2. Costs of labor and parts to bring any well into compliance with sections 3.32.020 and 3.32.030;
3. Court costs;
4. Attorneys' fees and costs, including the fees and costs of experts employed by the attorney;

5.
Costs of monitoring compliance.

D.

If any person causes, suffers, or permits a public nuisance to continue after written notice is given to such person by the district, directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the district for the following:

1.
The costs of abatement set forth above;
2.
Any other costs of enforcement imposed by the court;
3.
A civil penalty of fifty percent (50%) of abatement and enforcement costs, payable to the district.

(Amended during 3-02 supplement: Ord. 31 § 4.3 (part), 1996)

Chapter 3.36 - WATER CONSERVATION*

Sections:

3.36.010 - Purpose.

The purpose of this chapter is to establish standards and procedures for water conservation, to reduce or eliminate the waste of water in the district, and enable implementation of the district's water shortage contingency plan.

(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)

3.36.020 - Application.

A.

This chapter shall apply within the district, and compliance with the provisions of this chapter shall be a condition of water service within the district and in all areas outside the district to which the district provides water service.

B.

The district shall work cooperatively with the Fort Ord Reuse Authority and other land use jurisdictions within the Ord Community service area, including the cities of Seaside, Del Rey Oaks, Marina, and Monterey; and UCMBEST; CSUMB; US Army; and the county of Monterey to facilitate the adoption of ordinances and regulations to conserve water, including inspection of installations made pursuant to this chapter.

C.

All references to standard specifications contained in this chapter shall refer to the latest versions of the district Standard Plans and Specifications for Construction of Domestic Water, Sewer, and Recycled Water Facilities and Procedures, Guidelines and Design Requirements.

(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)

3.36.030 - Mandatory restrictions on water waste.

A.

Repair of Plumbing, Sprinkler and Irrigation System. Any owner, manager, or person responsible for the day-to-day operation of any premises shall within seventy-two hours after such person first learns of such leaks, breaks, or defects, initiate steps to repair any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems, or distribution systems which cause or may cause water waste and shall thereafter diligently and promptly pursue such repair work to completion, unless a variance is obtained from the district.

B.

Watering/Irrigation.

1.

No person shall water grass, lawns, groundcover, shrubbery, and open ground between the hours of ten a.m. and five p.m. except as provided below:

a.

Persons may water between the hours of ten a.m. and five p.m. using any of the following three methods:

i.

Drip irrigation;

ii.

By hand, using a bucket; and/or

iii.

By hand, using a hose with an automatic shutoff nozzle.

b.

The general manager may grant an administrative variance for methods other than those included in subsection (B)(1)(a) of this section if:

i.

The person requesting the variance is now using, or will use as a condition to the granting of the variance, water-conserving irrigation practices approved by the general manager that minimize water evaporation losses, and that assure that no substantial amount of water is permitted to run off the area of application. Recycled water use shall be in accordance with Chapter 4.28, Recycled Water, of this code.

ii.

As a condition of granting a variance, the general manager may require the water user to post, at locations conspicuous to view, notices of the variance.

c.

In lieu of granting a variance, the general manager may, at his/her discretion, refer a variance request directly to the board for its decision.

2.

No person shall allow grass, lawns, groundcover, shrubbery, and open ground to be watered at any time while it is raining.

3.

No person shall use, suffer, or permit the use of water for agricultural irrigation in a manner or to an extent which substantially conflicts with or deviates from best management practices in the county of Monterey or which allows water to run to waste.

C.

Washing of Vehicles. No person shall use a water hose to wash any car, truck, boat, trailer, bus, recreational vehicle, camper, aircraft, tractor, or any other vehicle, or any portion thereof, unless the hose is equipped with an automatic shutoff nozzle.

D.

Cleaning of Structures. No person shall use water through a hose to clean the exterior of any building or structure unless such hose is equipped with a shutoff nozzle.

E.

Cleaning of Surfaces. No person shall use water through a hose to clean any sidewalk, driveway, roadway, parking lot, or any other outdoor paved or hard surfaced area, except where necessary to protect public health or safety. The use of water from a bucket for cleaning food, grease, oil, or other stains or spillage from surfaces is permissible.

F.

Water Spillage. No person shall cause, suffer, or permit water to spill into streets, curbs, or gutters. No person shall use any water in any manner that results in runoff beyond the immediate area of use. Every person is deemed to have under his/her control at all times his/her water distribution lines and facilities, and to know the manner and extent of his/her water use and excess runoff.

G.

Swimming Pools and Spas. No person shall empty and refill a swimming pool or spa except to prevent or repair structural damage or to comply with public health regulations. All pools and spas shall be covered to prevent evaporative losses when not in use.

H.

Fountains. No person shall use water to operate or maintain levels in decorative fountains, unless such water is recirculated in the fountain.

I.

Visitor-Serving Facilities. The owner and manager of each hotel, motel, restaurant, convention and other visitor-serving facility shall ensure that such facility displays, in places visible to all customers, placards or decals approved by the district, promoting public awareness of the need for water conservation and/or advising the public that waste of water is prohibited.

J.

Public and Quasi-Public Entities. All public and quasi-public entities shall display, in visible locations in all restrooms, kitchens, and dining areas, placards or decals approved by the district, promoting public awareness of the need for water conservation and/or advising the public that waste of water is prohibited. Placement of placards or decals by a quasi-public entity of a type not specifically mentioned in this chapter shall not be required unless the general manager gives written notice to the entity that this chapter is applicable to the entity so notified and that placement of placards or decals is required.

K.

Restaurants. Restaurants in the district shall not serve water to restaurant customers, except upon request of the customer.

L.

Commercial Car Washes. No person in charge of the operation of any commercial car wash facility shall suffer or permit the washing of any boat or vehicle in such facility or on its premises, other than by the following methods:

1.

Use of mechanical automatic car wash facilities utilizing water-recycling equipment;

2.

Use of a hose that operates on a timer for limited time periods and shuts off automatically at the expiration of the time period;

3.

Use of a hose equipped with an automatic shutoff nozzle; and/or

4.

Use of bucket and hand washing.

M.

Construction.

1.

No potable water may be used for compacting or dust control purposes in construction activities where there is a reasonably available source of recycled or other nonpotable water approved by the California State Department of Health Services and appropriate for such use.

2.

All water hoses used in connection with any construction activities shall be equipped with an automatic shutoff nozzle when an automatic shutoff nozzle can be purchased or otherwise obtained for the size or type of hose in use.

N.

Use of Hydrants. No person may tap into any fire hydrant for any purpose other than fire suppression or emergency aid, without first obtaining written approval from the district engineer or his/her designee.

O.

Agricultural Dust Control. No potable water may be used for dust control purposes in agricultural activities where there is a reasonably available source of recycled or other nonpotable water appropriate for such use. Recycled water use shall be in accordance with Chapter 4.28, Recycled Water, of this code.

P.

Maintenance/Training. No person shall use water for routine water system flushing for normal maintenance, routine sewer system flushing for normal maintenance, and/or fire personnel training except as approved in advance in writing by the general manager, district engineer, or his/her designee.

Q.

Indiscriminate Use. No person shall cause, suffer, or permit the indiscriminate running of water not otherwise prohibited above which is wasteful and without reasonable purpose.

R.

Public Health and Safety. These regulations shall not be construed to limit water use which is immediately necessary to protect public health or safety.

S.

New Construction.

1.

In all new construction, the following applies:

a.

Only high efficiency toilets (HET) that meet the district's standard specifications shall be installed. Dual flush toilets qualify as HET.

b.

There shall be one control valve, or one set of hot and cold valves required for each low flow showerhead which shall be defined to provide not more than 2.5 gallons per minute.

c.

A hot water recirculation system or point-of-use hot water heater shall supply water to hot water fixtures further than ten linear feet of pipe away from the hot water heater.

d.

All urinals installed will be zero water use urinals, in that they shall not use water to flush waste.

e.

All residential units equipped with clothes washer connections shall have installed high efficiency (HE) clothes washer(s) meeting district's standard specifications.

2.

All new construction shall conform with district's standard specifications for landscaping and irrigation systems and the requirements of the state of California Model Landscape Ordinance, Title 23, Division 2, California Code of Regulations Chapter 2.7 or applicable local ordinances superseding the state ordinance.

T.

New Additions, Renovations, or Remodels. This subsection includes, but is not limited to, projects in which the replacement or addition of plumbing fixtures is included.

1.

All new additions, renovations, or remodels that involve any plumbing fixture additions and require district review and approval must install:

a.

Ultra low flow toilets (ULFT), high efficiency toilets (HET), or zero water use urinals (in place of water use urinals);

b.

Low flow showerheads with a maximum flow capacity of 2.5 gallons per minute; and

c.

New additions, renovations, or remodels must also include the retrofitting of all existing toilets and showerheads with low flow showerheads, ULFT's or HET's.

2.

All renovations/remodels that do not require plan checks by the district, but do involve a change in a toilet must replace at least that toilet with an ULFT or an HET. All renovations/remodels that do not require plan checks by the district, but do involve the change of a showerhead must replace at least that showerhead with a low flow showerhead.

U.

Retrofitting Existing Hotels/Motels and Apartment Buildings. All existing hotels/motels, and apartment buildings shall, within six and twelve months, respectively, following the effective date of the ordinance codified in this chapter, be retrofitted with low flow showerheads.

V.

Retrofitting Upon Change of Ownership or Use.

1.

All existing residential structures shall, at the time of ownership change, be retrofitted, if not already so, with HET's or ULFT's with a maximum tank size, flush volume, or flush system volume of 1.6 gallons per flush. Low flow showerheads with a maximum flow capacity of 2.5 gallons per minute shall be installed.

2.

All existing commercial and industrial structures shall, at the time of ownership change or change of use, be retrofitted, if not already so, with HET's or ULFT's with a maximum tank size, flush volume, or flush system of 1.6 gallons per flush. Low flow showerheads with a maximum flow capacity of 2.5 gallons per minute shall be installed. High efficiency clothes washing machines using a maximum of 8.5 gallons of water per cubic foot of laundry shall also be installed. All urinals will be retrofitted to zero water use urinals.

W.

Metering.

1.

All water use shall be metered unless it is used by authorized persons for public health and safety issues or if that use is otherwise recognized by the district.

2.

New Construction.

a.

Newly constructed multifamily dwelling units, including condominiums, and detached dwelling units will be metered individually as of the effective date of the ordinance codified in this chapter.

b.

Newly constructed motel/hotel units of less than one thousand square feet will be exempt from the requirement to individually meter.

c.

Newly constructed hotel/motel units greater than or equal to one thousand square feet shall be separately metered.

d.

Newly constructed time-share units will be separately metered.

3.

Conversion of Existing Structures. The following existing units shall be individually metered upon conversion:

a.

Multifamily units converted into condominiums or time-share units;

b.

Motel/hotel units converted into multifamily units, time-share units or condominiums;

c.

Time-share units converted into multifamily units, condominiums or motel/hotel units;

d.

Condominium units converted into multifamily units, time-share units or motel/hotel units;

e.

Detached garages or other nondwelling structures converted into dwelling units.

4.

Other Multifamily Water Uses. All other uses within multifamily dwelling complexes, such as irrigation systems and laundry rooms, shall be metered separately, subject to the approval of the district engineer or his/her designee.

5.

Meter Location. Meters shall be located at the property boundary or the public utility easement. Exact meter locations are subject to district engineer approval or his/her designee.

6.

Meter Type and Size. The district shall approve the size and type of meters required. The owner shall pay for the meters and construct their connections in accordance with the district's standard specifications.

(Ord. 42 § 4 (part), 2006; Ord. 41 § 4 (part), 2005; Ord. 40 § 4 (part), 2005)

The district maintains a water shortage contingency plan in conformance with the Water Code Section 10632. Provisions of that plan will be enforced through this chapter.

(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)

3.36.040 - Enforcement and administration.

The general manager and all officers and employees of the district, including all ex officio officers and employees, shall enforce all the provisions of this chapter. The general manager shall implement and administer this chapter. The general manager shall report to the board of directors all factors which affect the implementation of this chapter and shall maintain a separate file of violations of this chapter and a file of any requests for variances from this chapter.

(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)

3.36.050 - Violations and notices.

A.

If any person fails or refuses to comply with this chapter, the general manager or his/her agent shall provide that person with written notice of the violation and an opportunity to correct the noncompliance. The written notice shall:

1. Be posted or presented at the site of the noncompliance;
2. State the time, date, and place of violation;
3. State a general description of the violation;
4. State the means to correct the violation;
5. State a date by which correction is required;
6. State the possible consequences of failing to correct the violation; and
7. A copy of the written notice shall be mailed to the address of the violation, to the party who is billed for the water, or to the owner of the property, as appropriate.

B.

Each person who receives a written notice of violation shall pay to the district an administrative fee of one hundred dollars for the first notice, two hundred dollars for the second notice, and five hundred dollars for each additional violation within one year. To encourage cooperative water conservation, the general manager may waive payment of the fee for the first or second notice.

C.

If a person fails to correct the violation within the time specified in the written notice, the general manager shall take one or more of the following actions:

1. Give the person one or more additional written notices of the violation;
2. Refuse to initiate water service to the site of the violation, if water service has not yet begun or has been discontinued;
3. Terminate water service to the site of the violation, in accordance with the district's ordinances and procedures for terminating water service;
4. Abate the violation as a nuisance in accordance with Section 3.36.060 of this chapter;
5. Impose a use fee of four times the regular water rate for each unit (hcf) of water that the district estimates is wasted.

(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)

3.36.060 - Nuisances, abatement, injunctive relief.

A.

Any violation of this chapter is declared to be a public nuisance.

B.

The district may summarily abate the public nuisance and the district's attorney may, upon order of the board of directors, bring civil suit or other action to enjoin or abate the nuisance.

C.

In a civil proceeding brought to abate a nuisance or to obtain injunctive relief under this chapter, any person who creates or

maintains a public nuisance in violation of this chapter shall be liable for the costs of abatement, including but not limited to the following:

1. Costs of investigation;
2. Costs of labor and parts to repair any affected water system or premises, to bring such water system or premises into compliance with this chapter, or to install facilities necessary to assure compliance with this chapter;
3. Court costs;
4. Attorneys' fees and costs, including the fees and costs of experts employed by the attorney; and
5. Costs of monitoring compliance.

D.

If any person causes, suffers, or permits a public nuisance to continue after written notice is given to such person by the district directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the district for the following:

1. The costs of abatement set forth above;
2. Any other costs of enforcement imposed by the court; and
3. A civil penalty of fifty percent (50%) of those costs (subsections (D)(1) and (D)(2) of this section), payable to the district.

E.

This does not preclude the district from taking action against individuals for unauthorized taking of water under Penal Code Section 498.

(Ord. 41 § 4 (part), 2005; Ord. 40 § 4 (part), 2005)