

ORDINANCE NO. 09.18.19.01

**AN ORDINANCE OF THE FLORIN RESOURCE CONSERVATION DISTRICT
BOARD OF DIRECTORS AMENDING AND REPLACING ORDINANCE NO.
05.15.19.03, EXHIBIT A: FLORIN RESOURCE CONSERVATION
DISTRICT/ELK GROVE WATER DISTRICT WATER
ORDINANCE – PROVISIONS OF WATER SERVICE**

WHEREAS, the Florin Resource Conservation District (District) is a resource conservation district duly organized and existing under and pursuant to Division 9 of the Public Resources Code of California; and

WHEREAS, the District is authorized and empowered to own, operate, maintain, acquire, construct, finance, improve and extend a public water system; and

WHEREAS, the District owns and operates the Elk Grove Water District, a public water system; and

WHEREAS, the District is authorized to impose, adopt, revise, amend, and rescind provisions of water service for its system; and

WHEREAS, the District's current provisions of water service were prescribed in Ordinance 05.15.19.03 Provisions of Water Service, and

WHEREAS, the Board of Directors wishes to replace Ordinance No. 05.15.19.03.

**NOW THEREFORE, THE FLORIN RESOURCE CONSERVATION DISTRICT
BOARD OF DIRECTORS HEREBY DETERMINES AND ORDAINS AS FOLLOWS:**

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Approval of Ordinance. Ordinance 05.15.19.03 is hereby amended and replaced with Ordinance No. 09.18.19.01 including the attached Exhibit A.

Section 3. California Environmental Quality Act Compliance. The District Board of Directors find, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

Section 4. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions, provisions or regulations contained herein shall become inoperative, or fail by reason of unconstitutionality of any other provisions hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. Ordinance Effective Date. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

PASSED AND ADOPTED by the Florin Resource Conservation District Board of Directors on this 18th day of September 2019 by the following vote:

AYES: Gray, Medina, Mulberg, Nelson, Scherman
NOES: ☒
ABSENT: ☒
ABSTAIN: ☒



Tom Nelson
Chairperson of the Board of Directors

ATTEST:


Stefan Phillips
Secretary to the Board of Directors

EXHIBIT “A”

**FLORIN RESOURCE CONSERVATION DISTRICT/ELK GROVE WATER DISTRICT
WATER ORDINANCE**

“PROVISIONS OF WATER SERVICE”

[Attached behind this cover page]

SECTION 1. SHORT TITLE, DEFINITIONS AND GENERAL PROVISIONS.

1.1 Short Title. This ordinance may be cited as the Provisions of Water Service Ordinance (Ordinance).

1.2 Severability. If a section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional, or contrary to the general or special laws of the United States or the State of California, the invalidity of such section, subsection, sentence, clause or phrase shall not affect the remaining portions of this Ordinance.

1.3 Applicability. This Ordinance shall apply to all water facilities owned by the District, known as the Public Water System, and to all persons who use or perform work on the Public Water System.

1.4 Definitions. Unless the context specifically indicates otherwise, the following terms shall for purposes of this Ordinance have the meanings indicated as follows:

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| Board | Florin Resource Conservation District/Elk Grove Water District Board of Directors |
| City | City of Elk Grove |
| Construction Water | Water used in construction operation, and for testing and flushing water mains. A Construction Water Permit is required for the use of Construction Water. |
| Construction Water Permit | A written authorization by the District required pursuant to this Ordinance for the use of Construction Water. |
| Customer | The owner, or owner's agent/tenant who receives Water Service from the District. |
| Customer Service Line | The Customer-owned facilities consisting of the Water Service piping, valves, and other appurtenances between the discharge of the meter and the point of use. |
| District | The Florin Resource Conservation District/Elk Grove Water District, Sacramento County, California. |
| District Office | The administration office of the Florin Resource Conservation District/Elk Grove Water District. |
| Fire Protection Service | A class of Water Service provided by the District for the use of fire protection. |
| Irrigation Water Service | A class of Water Service provided by the District for the use of irrigation. |

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| Non-Residential Water Service | A class of Water Service provided by the District for the use in non-residential establishments. Non-residential includes commercial, industrial, and institutional establishments. |
| Premise | A property which is determined by the District to be eligible to receive Water Service. |
| Public Water System | The District's water system consisting of all supply and water treatment facilities, and the water distribution system up to and including each meter and meter box, or where the Customer's fire protection water main ties into the Public Water System distribution main. |
| Residential Water Service | A class of Water Service provided by the District for the use in single-family homes, multi-family residential structures or mobile home parks. |
| Standard Construction Specifications | The most current version of the District's Standard Construction Specifications and Standard Detail Drawings. |
| Water Service | The delivery and/or receipt of water. |
| Water Service Demand | The amount of water required for use by any Premise. |

1.5 Violation of Ordinance. Any person found to be violating any provision of this Ordinance shall be served by the General Manager with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The said time limit shall not be less than one (1) nor more than ten (10) working days. The offenders shall within the period of time stated cease all violations and correct the conditions causing violation of this Ordinance. Violation of this Ordinance will be penalized according to Government Code § 53069.4. Fines of \$100 for a first violation; \$200 for a second violation of the same provision of this Ordinance within one (1) year; and \$500 for each additional violation of the same provision of this Ordinance within one (1) year will be assigned to the account if satisfactory correction is not made within the time stated. Each and every connection or occupancy in violation of this Ordinance shall be deemed a separate violation. Each and every day or part of a day a violation of this Ordinance continues will be deemed a separate offense hereunder, and shall be punishable as such. Repeated offenses can result in the termination of Water Service.

1.6 Damage to Public Water System. Any person damaging any of the Public Water System property or violating any of the provisions of this Ordinance shall become liable to the District for any expense, loss or damage occasioned by reason of such damage or such violation.

1.7 Administration of Ordinance. It shall be the responsibility of the General Manager to conduct the operation of the Public Water System in accordance with provisions of this Ordinance and to enforce all its provisions. The General Manager shall take all actions necessary to carry out the

specific requirements and intent of this Ordinance. Failure on the part of the Board, General Manager or any other District personnel to enforce this Ordinance or any provision thereof shall create no liability on the part of the District, or any personnel of the District, to any third persons.

SECTION 2. DESCRIPTION OF GENERAL WATER SERVICE

2.1 Ownership of Water Facilities. Water facilities fall into two (2) categories of ownership, District-owned facilities and Customer-owned facilities. Water facilities owned by the District are what are known as the Public Water System. The Public Water System consists of all water supply and treatment facilities, and the water distribution system up to, and including, each meter and meter box. The Customer-owned facilities consist of the Water Service piping, valves, and other appurtenances between the discharge of the meter and the point of use, collectively called the Customer Service Line. The District is responsible for operating and maintaining the Public Water System. Each Customer is responsible for operating and maintaining their Customer Service Line. Construction to extend the Public Water System is funded by developers as part of the development process through the City. After construction to extend the Public Water System is completed and accepted by the District, and the developer has paid all capacity and meter charges owed the District, the developer shall transfer ownership of the extended Public Water System to the District.

2.2 Water Supply. The District is divided into two (2) service areas, Service Area 1 and Service Area 2. The District serves Service Area 1 with water from various groundwater wells located within Service Area 1. Water in Service Area 1 is non-fluoridated. For Service Area 2, the District, as required through a Master Water Agreement, serves purchased water from the Sacramento County Water Agency (SCWA). The purchased water from SCWA is either groundwater, or a combination of groundwater and surface water, and is fluoridated. A map showing the District's two (2) service areas can be found as Attachment 1.

2.3 Water Pressure. The District specifies the pressure range for Water Service in the District's Standard Construction Specifications.

2.4 Continuity of Water Service. The District is committed to providing each Customer with a continuous supply of water. However, due to planned maintenance or construction activities, or unplanned emergency events, Customers may experience interruptions in Water Service from time to time. For planned maintenance or construction activities causing interruptions in Water Service, the District shall notify Customers 24-hours prior to the scheduled shutdown. For unplanned emergency events, Customers will not receive any prior notifications for interruptions in Water Service. The District shall not be liable for any losses, inconveniences or damages sustained by Customers as a result of interruptions in Water Service.

2.5 Types of Water Service. Types of Water Service provided by the District include Residential Water Service, Non-Residential Water Service, Irrigation Water Service and Private Fire Protection Water Service. Residential, Non-Residential and Irrigation Water Services are metered. Private Fire Protection Water Service is unmetered. At minimum, each single parcel shall be served by a dedicated, individual Water Service. Under no circumstances shall multiple parcels be served by one Water Service. A single parcel may be served by more than one Water Service.

2.6 Resale of Water. Water purchased from the District shall not, without specific authorization, be resold or re-metered for purposes of sale or proration outside the boundaries of the customer's premise.

2.7 Refusal and Limitation of Service. The General Manager may refuse to furnish water or may discontinue Water Service to any Premises for the following reasons:

1. To protect the District or the Public Water System or both from fraud and abuse.
2. The requested Water Service Demand may be detrimental or injurious to the Water Service of other Customers.
3. The distribution facilities are inadequate to supply the requested Water Service Demand.
4. The Premise uses a private well and the Customer does not pay for fire service offered through basic water charges.
5. To protect District Customers from a threat to public health and safety in the case of tampered water, natural disasters or emergencies.
6. Delinquency of Customer accounts. Refer to Section 4, Discontinuance and Restoration of Service.

The General Manager may limit the total quantity of water furnished to Premises or may establish the times and the Water Service Demand rates at which water may be taken or will be furnished to Premises, even though a limit or maximum use may or may not appear on the application or Permit for the Water Service.

2.8 Water Used Without Application. A person who takes possession of a Premise and uses water without applying for Water Service is liable for all the costs of the water delivered from the date of the last recorded meter reading and will be assessed a violation fine as set forth by the Districts most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits. If proper application for service is not made within five (5) calendar days after notification to do so by the General Manager or if accumulated bills for Water Service are not paid upon presentation, Water Service shall be discontinued without further notice.

2.9 Application for Service. An applicant wanting to establish Water Service shall:

1. Submit an application on a form as approved by the District. The District may accept applications made via fax, mail or in person; or
2. Upon taking possession as an owner of any Premise located within the District service area, and upon verification from escrow settlement statements or any other document of record with the Sacramento County Recorder's Office, the District shall establish an account for Water Service for the named owner of such Premise, the effective date to be the date of closing of escrow.

3. An applicant who is a lessee of any Premise within the District's service area may request to become a Customer of the District pursuant to Section 3.4 of this Provision.

2.10 Account Set-Up Fee. Each account, which requires that a monthly bill be sent, will be considered as a new account and will be charged an account set-up fee as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.

2.11 Access to Property. By applying for or receiving Water Service from the District, each Customer irrevocably licenses the District and its authorized employees and representatives to enter upon the Customer's property at reasonable times for the purpose of reading, inspecting, testing, checking, repairing, maintaining, or replacing the District's meters and other facilities. The District may terminate Water Service without notice to any customer who refuses to permit the District and its authorized employees and representatives to enter upon the Customer's property in violation of this Section.

SECTION 3 BILLS FOR WATER SERVICE

3.1 Monthly Fixed Charge. Billing for Water Service includes a monthly fixed charge that funds maintenance, operations and other expenses to the District necessary to maintain the Public Water System. It also covers the delivery of water to the public fire hydrants. The monthly fixed charge, as set forth in the District's most current Water Rate Study, is due regardless of whether any water is actually used. Customers whose service has been discontinued in accordance with section 4.2, or who have requested that their service be discontinued in accordance with section 4.13, will not be assessed the monthly fixed charge for months subsequent to discontinuance.

3.2 Monthly Consumption Charge. Billing for Water Service includes a monthly consumption charge that funds expenses to the District necessary for the production, treatment and distribution of water to Customers. The monthly consumption charge, as set forth in the District's most current Water Rate Study, is assessed for each one-hundred cubic feet (CCF) of water actually consumed.

3.3 Billing Periods. Bills for general Water Service will be rendered monthly at the option of the District. Bills for special Water Service may be rendered monthly or at any lesser frequency, which the District may choose. Meters will be read at approximately equal intervals as specified in Section 6.4, with meter reading frequency the same as billing frequency. Special meter readings will be made for opening or closing billing purposes.

3.4 Billing of Non-Owner-Occupied Residences. California Government Code § 54347 authorizes public agencies to collect charges from property owners for services to tenants on those properties. Therefore, with the property owner's permission, which would require a notarized Landlord Consent to Tenant Billing application, the District will bill tenants directly for Water Service, but the final responsibility for those charges lies with the property owner. Should the tenant fail to pay, the property owner will be held liable. The District shall not share any account information with tenant, other than the outstanding balance, in the absence of the completed and notarized Landlord Consent to Tenant Billing application.

3.5 Billing of Separate Meters. Each meter on a Customer's Premises shall be billed separately and the readings of two (2) or more meters will not be combined unless the District shall, for operating convenience or necessity, install two (2) or more meters in place of one (1).

3.6 Back Billing. If a Customer uses water for which no bills have been issued, the District shall determine an average bill using the billings for the previous 12 consecutive months prior to no bills being issued. This amount, not to be less than the fixed cost if no billing history is available, will be billed to the Customer based on the number of months the Customer has been occupying or in possession of the Premises without paying bills.

3.7 Refunds. If a Customer is erroneously overcharged for services, the District may refund charges paid by the Customer in excess of the amount that should have been paid for over a period as much as the past three (3) years that the Customer was overcharged.

3.8 Opening and Closing Bills. If the total period of service is less than 30 days, a prorated charge of the fixed and consumptive cost for the actual use shall be applied to the account.

3.9 Payment. Acceptable forms of payment are cash, check, money order, credit card, automated clearing house (ACH) or Interactive Voice Response (IVR). Payments can be made online, over the phone or in person at the District Office or placed in the drop box located outside the District Office. Payments can also be mailed to the District post office box or such other places as designated by the District.

3.10 Delinquent Accounts. Bills for Water Service are generally billed at the beginning of the month and are due upon receipt. Accounts become delinquent if bills are not paid on or before the due date as listed on the bill. Delinquent accounts will receive a Notice of Pending Service Interruption, commonly referred to as a door tag, ten (10) days before scheduled shut off, at which time a door tag fee, in the amount as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits, will be applied to the account. This notice shall not be delivered earlier than 49 days from the due date of the bill.

3.11 Delinquency Shut-Off. Water service may be discontinued and a late payment penalty will be assessed to the customer's account if payment of a delinquent bill is not received by the due date listed on the Notice of Pending Service Interruption (door tag). To avoid service discontinuance, or to have discontinued service restored, the Customer must pay in full the amounts as set forth in the Delinquency Shut-Off provision of the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.

3.12 Unauthorized Turn On. If, after a Water Service is discontinued for delinquency in payment, Water Service is resumed without authorization, the meter may be removed, and a violation fine equal to the amount as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits, will be assessed. This charge is in addition to all other charges.

3.13 Disputed Charges. In case of dispute as to payment of a bill previously delivered, the Customer shall present the receipted bill, canceled check or other satisfactory evidence of payment before the District may make an adjustment or correction.

When a Customer disputes the amount of a bill for any reason, the Customer should contact the District Office. If the bill is disputed, to avoid discontinuance of Water Service, the Customer must submit a letter setting forth the basis for the dispute and request a review by the Finance Manager or General Manager. The Finance Manager's or General Manager's findings and decisions will be final and binding. If the Customer's complaint concerns the meter, he or she may request that his or her meter be tested pursuant to the Testing of Meters and Fire Flow provisions of the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.

3.14 Disputed Debts. Per the State of California Commercial Code 3311(c)(1), communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to the attention of the Finance Manager at the District Office. The Finance Manager will review the communication and make a determination as to the satisfaction of the instrument tendered as full payment. All decisions made by the Finance Manager regarding disputed debts are final and binding.

3.15 Inspection at the Request of Customer. The District may make an inspection of a Customer's meter upon the request of the Customer in accordance with the Meter Re-Read costs and provisions as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.

SECTION 4. DISCONTINUANCE AND RESTORATION OF SERVICE

4.1 Form of Notice of Termination; Time and Method of Giving Notice; Form of Termination Order.

1. In the event of nonpayment of a delinquent account, the District shall first give notice to the Customer of the delinquency and impending termination at least ten (10) days prior to the date of the proposed termination by means of a notice to be placed on the Customer's Premise in a conspicuous place, such notice to comply with the requirements of subsection 4.1(3) hereof. This notice shall not be delivered earlier than 49 days from the due date of the bill. The ten (10) day notice period shall not commence until the delivery and placement of the Notice of Pending Service Interruption, commonly referred to as a door tag, on Customer's Premise.
2. When a bill becomes delinquent, a Notice of Pending Service Interruption will be placed on the Customer's Premises and a door tag fee in the amount set forth by the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits will be added to the Customer's account.
3. The Notice of Pending Service Interruption pursuant to subparagraph 4.1(2) shall include the following:
 - a. Name and address of the delinquent Customer;
 - b. The amount of delinquency;
 - c. The date by which payment or arrangements for payment is required to avoid termination;

- d. A description of the process to apply for an extension of time to pay the delinquent charges.
- e. A description of the procedure to petition for bill review and appeal.
- f. A description of the procedure by which the customer may request a deferred or alternative payment schedule, including an amortization of the delinquent residential service charges.
- g. The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

4.2 Termination and Restoration of Services.

- 1. If the account remains delinquent after the due date listed on the Notice of Pending Service Interruption, a late payment penalty, as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits, will be added to the Customer's account and the District shall commence termination of Water Service to the property on the shut-off date as stated on the notice.
- 2. Water service may be discontinued and a late payment penalty will be assessed to the customer's account if payment of a delinquent bill is not received by the due date listed on the Notice of Pending Service Interruption (door tag). To avoid service discontinuance, or to have discontinued service restored, the Customer must pay in full the amounts as set forth in the Delinquency Shut-Off provision of the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.
- 3. The District shall not, by reason of delinquency in payment for Water Service, cause cessation of service on any Saturday, Sunday, legal holiday, or any time when the District's business office is not open to the public.
- 4. Cessation of Water Service shall not commence prior to 7:30 a.m.
- 5. Restoration of Water Service is only available during work hours from 7:30 a.m. to 5:00 p.m. Monday through Thursday and 7:30 a.m. to 4:00 p.m. every alternate Friday. Operations staff is not authorized to accept payment at any time, or to restore service until satisfactory arrangements have been made with the billing department of the District.
- 6. No termination of Water Service may be affected without compliance with Sections 4.1 and 4.2, and any Water Service wrongfully terminated shall be restored without charge for the restoration of Water Service.

4.3 Termination of Service to Multi-family Residential Structures or Mobile Home Parks as to Residential Units on a Master Meter. Water Service provided through a master meter, through individually metered services in a multi-family residential structure or mobile home park when the owner or manager is listed by the District as the Customer, shall not be discontinued until the District has made a good faith effort to inform the actual users of the Water Service that the account is in arrears, and that Water Service will be terminated in no less than ten (10) days. The means by which the District informs such users shall be by notice delivered to or posted at the place of

residence of the users in a conspicuous location, prominently displayed. This notice shall not be delivered earlier than 49 days of the due date of the bill. The notice shall also inform such users that they have the right to become Customers of the District without being required to pay the amount due on the delinquent account.

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 Water Service as set forth in this Ordinance and meets the requirements hereof. However, if one (1) 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 Water Service to those actual users who have not met the requirements of this Ordinance, the District shall make Water Service available to the actual users who have met those requirements.

The District may require the establishment of credit of an actual user prior to establishing Water Service, including obtaining evidence of prompt payment of rent at actual users place of residence for a period of time equal to the time required for the establishment of credit for other District Customers.

4.4 Termination of Service to Single-family Residential Structures Occupied by Lessee. Water Service provided through individually metered services in a single-family residential structure when the owner or manager is listed by the District as the Customer and the Premise is occupied by a lessee, shall not be discontinued until such time as the District has followed the procedures set forth below:

1. The District shall make a good faith effort to inform the actual users of the Water Service that the account is in arrears, and that Water Service will be terminated in no less than ten (10) days. The means by which the District informs such users shall be by notice delivered to or posted at the place of residence of the users in a conspicuous location, prominently displayed. This notice shall not be delivered earlier than 49 days of the due date of the bill. The notice shall also inform such users that they have the right to become Customers of the District without being required to pay the amount due on the delinquent account; and
2. The property owner has authorized the District to bill the lessee directly for Water Service by completing and having notarized a Landlord Consent to Tenant Billing application, as set forth in section 3.4. This shall be treated as a request for new Water Service and shall require all such deposits and payments as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits. Should the lessee fail to pay any charges, the property owner will be held liable.

4.5 Conditions and Restrictions on Termination of Water Service. The District shall not terminate Water Service for non-payment of a delinquent account unless it first gives notice of delinquency and pending termination in the manner provided for in Section 4.1. The District will not terminate Water Service for non-payment of bills for Water Service in any of the following situations:

1. During the pendency of an investigation by the District of a Customer dispute or complaint;
or

2. When a Customer has been granted an extension of the period for payment of a bill; or
3. When the Customer/facility has been identified as a Critical Facility, defined as hospitals, fire stations, police stations or storage of critical records; or
4. If **all** of the following conditions are met:
 - a. On the certification of a licensed physician or surgeon that termination of Water Service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premise where service is provided; and
 - b. The Customer demonstrates that he or she is financially unable to pay for service within the normal payment period. The customer shall be deemed financially unable to pay for service within the normal payment period if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infant, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level; and
 - c. The Customer is willing to enter into an amortization agreement with the District, pursuant to Public Utility Code § 16482(e), by the terms of which the Customer will be permitted to 1) amortize the unpaid balance; or 2) participate in an alternative payment schedule; or 3) temporary deferral of payment.

4.6 Payment Arrangements. The District, at its discretion, may choose which of the payment arrangements available in subsection 4.5(4)(c) above that the customer undertakes, not to exceed a 12-month term and may set the parameters of that payment arrangement for Customers with a delinquent account. Payment arrangement must be signed by Customers and can be made at the District office during normal business hours.

4.7 Noncompliance with Payment Arrangements. The District shall make a good faith effort to inform the actual users of the Water Service of any noncompliance with payment arrangements, and that Water Service will be terminated in no less than five (5) days. The means by which the District informs such users shall be by notice delivered to or posted at the place of residence of the users in a conspicuous location, prominently displayed, under the following conditions:

1. The customer fails to comply with a payment arrangement for 60 days or more, with the 60-day window commencing on the day of the non-compliance; or
2. While undertaking a payment arrangement, the customer does not pay his or her current service charges within sixty (60) days from the date of the bill.

4.8 Customer Complaints. Any Customer who has initiated a complaint or requested an investigation within five (5) days of receiving the disputed bill, or who has, within nine (9) days of the receipt of the notice described in Section 4.1 hereof, 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 of payment, shall be given an opportunity for review of the complaint, investigation or request by the General Manager. The review 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 12 months. No termination of Water Service shall be affected for any Customer complying with a payment arrangement, if the Customer also keeps the account current as charges accrue in each subsequent billing period. Any Customer whose complaint or request for an investigation has resulted in an adverse determination by the General Manager may appeal such determination by written appeal to the Board.

4.9 Discontinuance of Water Service of Any Type as a Result of Tampering, Misuse of the Public Water System, or Obtaining Service through Fraudulent Means: Restoration of Service. Water Service of any type may be discontinued without notice to any Premises where evidence of tampering, misuse of the Public Water System, or obtaining water through fraudulent means is found and where apparatus, appliances, or conditions are, in the opinion of the General Manager or public health agencies, found to be dangerous or injurious to the Customer or others. Such Water Service that has been discontinued may be restored upon correction, to the satisfaction of the General Manager, of the condition causing discontinuance of Water Service, and upon compliance with all terms and conditions and payment of all applicable costs as set forth by the Districts most current Ordinance Prohibiting the Theft of Water and Tampering with District Facilities.

4.10 Enforcement of Lien. When a Customer's water bill becomes delinquent and/or when the District terminates Water Service as provided in Section 4.2 above, or when the District has determined that the recovery of the amount due may be uncertain due to abandonment of a premise and/or Water Service connection, then the District shall cause to be filed with the Sacramento County Recorder's Office a Notice of Lien, setting forth the legal description of the property, the amount of the obligation owed, specifying that the same is owed to the District, and that all delinquent service charges, together with late fees, penalties and interest, are a lien against the premise to which the service was provided.

4.11 Release of Lien. A Notice of Lien, filed with the Sacramento County Recorder's Office, shall be released only after all past due obligations have been paid to the District. Once all past due balances have been settled with the District, the District will submit a Release of Lien to the Sacramento County Recorder's Office, with any associated filing fees to be paid for by the Customer.

4.12 Abatement. During the period in which Water Service is discontinued, the dwelling shall be considered substandard and uninhabitable and habitation of the Premise by human beings or continued operations of any commercial or industrial facility shall constitute a public health threat. The District shall notify the City of Elk Grove of any service that remains discontinued after three (3) days of the shut-off date.

4.13 Discontinuance of Water Service of any Type at the Request of the Customer: Restoration of Service. Water Service of any type may be discontinued at the request of the Customer in writing. The effective date shall be the date Water Service is actually discontinued and shall not be more than three (3) business days after receipt by the District of the Customer's request for discontinuance. Restoration of such Water Service shall be treated as a request for a new service

and shall require all such deposits and payments as set forth in the Districts most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.

SECTION 5. SPECIAL WATER SERVICE AND PUBLIC FIRE HYDRANTS

5.1 Temporary Water Service. Requests for temporary Water Service may be made in writing to the General Manager of the District. If, in the opinion of the General Manager, the Water Service will not result in any undue hardship to existing Customers, and the Water Service is feasible to construct, temporary service will be granted after the requestor has:

1. Advanced to the District the estimated net cost of installing the facilities necessary to furnish the temporary Water Service; and
2. Deposited a sum of money equal to the estimated bill when the duration of Water Service is to be for a period of one (1) month or less, subject to adjustment and refund or repayment in accordance with the actual bill due upon discontinuance of Water Service; or
3. Established credit in the same manner as is prescribed for general Water Service when the duration of Water Service is to exceed one (1) month.

Adjustment of any difference between the estimated net cost advanced and the actual cost of installing and removing the facilities necessary to furnish the temporary Water Service will be made within ten (10) days after the District has ascertained such actual cost.

Rates and charges for temporary Water Service shall be the same as those prescribed in the District's current Ordinance governing Water Rates. For example, if the temporary Water service is for Residential Water Service, the rates and charges for temporary Water Service shall be the same as the rates and charges for Residential Water Service. If the temporary Water Service is for Non-Residential Water Service, or Irrigation Water Service, or Fire Protection Service, the rates and charges for temporary Water Service shall be the same as the rates and charges for Non-Residential Water Service, Irrigation Water Service or Fire Protection Service respectively. The provisions for temporary Water Service shall be the same as those prescribed for general Water Service.

5.2 Construction Water. The District shall permit authorized applicants to take water for construction use from designated public fire hydrants in accordance with the requirements set forth below.

1. Applicants wishing to use District water for construction purposes shall complete a Construction Water Permit. A Construction Water Permit may be obtained from the District Office. Payment details and terms and conditions for Construction Water are identified on the Construction Water Permit.
2. The Construction Water Permit shall identify the designated hydrant(s) from which to obtain Construction Water.

3. Construction Water obtained from the District shall be metered and the Public Water System protected against potential backflow. The District shall be responsible for installing a water meter and an approved backflow prevention device on the designated hydrant(s).
4. Prior to Construction Water being taken, the District shall document the initial meter reading and the meter serial number. At the closing of the Construction Water Permit, the District shall document the final meter reading.
5. The applicant of the Construction Water Permit shall be billed based on the total consumption of water as determined between the initial and final meter readings.
6. The rates and charges for Construction Water shall be set forth in the most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.
7. The provisions set forth in the District’s most current Ordinance prohibiting the Theft of Water and Tampering with District Facilities shall be in full force for the taking of Construction Water.

In the event that there is an order by the Board or the State of California restricting water usage, the District reserves the right to disallow Construction Water usage until such restrictions are lifted.

5.3 Public Fire Hydrants. Public fire hydrants are part of the Public Water System, and are the property of the District. Except for the provision governing Construction Water defined in Section 5.2, only the District and the Fire Department are permitted to operate public fire hydrants. Tampering with any public fire hydrant for the unauthorized use of water, or any other reason, is a misdemeanor as provided by California Penal Code § 148.4 and 498, and the provisions set forth in the District’s most current Ordinance prohibiting the Theft of Water and Tampering with District Facilities shall be in full force.

5.4 Private Fire Hydrants. The District serves private fire protection water mains through points of connection to the Public Water System. Fire hydrants located on private fire protection water mains are private fire hydrants and are not the responsibility of the District.

SECTION 6. METER INSTALLATION AND METERING

6.1 Meter Sizing, Location, and Maintenance. All meters shall be provided and installed by the District. The Customer may request the size and layout of metering installation, subject to the General Manager’s approval. The standard minimum size meter is one (1) inch, which will normally be used for single-family residences. Separate multi-family residential structures shall be served with separate meters; however, exceptions may be permitted where approved by the General Manager.

Wherever possible, meters will be located in the public right-of-way adjacent to the boundary of the Premises being served. Where this is not feasible, the meter will be located within the parcel being served with approval by the General Manager and a water easement granted which provides for uninterrupted access, 24 hours per day, seven (7) days per week, 365 days per year. The

Customer shall, as a condition of service, keep the metering installation uncovered and reasonably accessible for reading and maintenance. It is the responsibility of the Customer to keep the meter free from vandalism, damage or unauthorized use or tampering. For any damage to the Public Water System property or violating any of the provisions of this Ordinance, the Customer shall become liable to the District for any expense, loss or damage occasioned by reason of such damage or such violation.

6.2 Change of Meter Size. A Customer receiving Water Service may request a change of meter size. If the request for the meter change is granted by the General Manager, the change will be made at the Customer's expense based on the incremental cost difference for meter connection sizes as set forth in the District's most current Connection Fee Study, and subject to installation in accordance with the District Standard Construction Specifications.

6.3 Change of Meter Location. When a Customer requests relocation of an existing meter or service connection for the Customer's convenience, the relocation is at the Customer's expense and shall be subject to approval by the General Manager. Relocation and installation of the meter shall be in accordance with the District Standard Construction Specifications and this Ordinance.

6.4 Meter Reading. Meters will be read at regular intervals for preparation of monthly bills and as needed for opening or closing accounts, or any special bills. Normal reading intervals will be not less than 28 days or more than 32 days, unless other circumstances prevent meter reading in that time frame. All meter readings will be recorded in units of CCF.

6.5 Meter Testing. Meters will be tested by the District upon request of the Customer and payment of a fee, as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits. Meters will be removed for testing within ten (10) working days after receipt of request, and payment of the testing fee. In the event it is determined that the meter was over-reading (reading greater than the actual quantity of water consumed), the testing fee shall be refunded to the Customer. No portion of the fee shall be refunded in the event it is determined that the meter was reading accurately or under-reading.

6.6 Erroneous Meter. If the District finds a meter to be faulty, the Customer shall be charged at minimum, the fixed charge and any water consumption registered during that time. If there is no registered water consumption, the Customer shall be charged only the fixed charge and the faulty meter will be changed out.

6.7 Electrical Discontinuity. No electric circuit shall be grounded to the District's facilities or to any plumbing or metal in contiguity therewith. For any damage to the Public Water System property or violating any of the provisions of this Ordinance, the Customer shall become liable to the District for any expense, loss or damage occasioned by reason of such damage or such violation.

SECTION 7. PUBLIC WATER SYSTEM CONSTRUCTION

7.1 Supervision. All construction work performed on the Public Water System shall be the responsibility of the District, and under the general supervision of the General Manager.

7.2 Standard Construction Specifications. The General Manager shall cause the preparation of appropriate Standard Construction Specifications to govern construction improvements to the Public Water System. All construction improvements to the Public Water System shall comply with the Standard Construction Specifications. Any changes to the Standard Construction Specifications shall be approved by the Board.

7.3 Plan Check. The District shall check all plans for construction improvements to the Public Water System in accordance with the Standard Construction Specifications described in Section 7.2. Prior to the commencement of plan checks, the District shall be in receipt of the Plan Check Fees as set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits.

7.4 Inspection and Approval: Payment of Inspection Fees. The General Manager shall provide for the adequate inspection and control of construction work performed on the Public Water System. Construction improvements to the Public Water System must comply with the District's Standard Construction Specifications, and meet all applicable local, state and federal regulations. All inspections shall be performed only after receipt of inspection fees included as part of the Plan Check Fees set forth in the District's most current Water Ordinance – Schedule of Charges, Rates, Fees and Deposits. For construction improvements to be accepted by the District, the General Manager shall give written approval and acceptance of the work.

SECTION 8. ANNEXATION FOR WATER SERVICE.

8.1 Conditions of Annexation. When, for the purpose of receiving Water Service from the District, the owner of property located adjacent to, but outside the District, desires the annexation of that property into the District, that person shall submit a letter of request to initiate the annexation action. That letter shall state the reason for requesting annexation. It shall include the legal description of the property and shall be signed by the legal owner of the property. Such a letter, when received by the District, will be placed on the agenda as an action item for the Board. If the request is approved, the District will initiate a response letter to the owner setting forth step-by-step the procedures required to complete the annexation. The required steps are as follows:

1. **Feasibility Study** - A feasibility study will be conducted by the District at the cost of the owner of the property to be annexed and is a requirement for every annexation unless the Board, by special action, approves a variance to the procedure. The feasibility study must be comprehensive enough to pinpoint any problems that might occur as a result of the annexation. It must specify the location, size, and length of any lines required to serve the area and it must provide the estimated cost of providing any required facilities.
2. **Terms and Conditions** - A set of terms and conditions will be prepared by the District using information from the feasibility study. These terms and conditions will set forth the actions required to provide adequate service in the areas being annexed and will state the amount of the fees to be paid by the owner of the property, either by acreage, parcel or frontage, when agreement has been reached on the terms and conditions for annexation. The fees may vary depending upon the nature of the development plan for the area being annexed and the cost of providing facilities for the area.

3. Conformance with the First Amended and Restated Master Water Agreement – The annexation of property must conform to all terms and conditions stated in the First Amended and Restated Master Water Agreement between Sacramento County Water Agency and the District, dated June 28, 2002.
4. Processing Through the Sacramento Local Agency Formation Commission (LAFCO) - When agreement on terms and conditions has been reached and the acreage fees are paid or arrangements for payment of acreage fees had been reached and included in terms and conditions, the attorney for the District prepares all other necessary documents for the submission to, and consideration of the annexation by LAFCO. This service is provided at the expense of the property owner.

Should a request for the annexation of a particular property be disapproved, a letter shall be sent to the property owner notifying him of the Board's action and setting forth the reason for disapproval.

SECTION 9. WATER CONSERVATION AND EFFICIENCY

9.1 General. The water supply of the District is a limited resource subject to ever increasing demands. The District will institute demand management measures, those water conservation measures, programs and incentives that prevent the waste of water and promote the reasonable and efficient use of available water supply, when necessary to conserve water in times of high demand due to external or internal circumstances. External circumstances could include drought, while internal circumstances could include infrastructure or main line leaks, well repair or water quality/treatment concerns.

9.2 Demand Management Measures and Water Waste Prohibitions. Refer to the most recent Urban Water Management Plan (UWMP) to review the current demand management measures and water waste prohibitions. The UWMP is updated every 5 years; this plan describes and evaluates sources of supply, reasonable and practical efficient uses, and reclamation and demand management activities. The components of the UWMP are specific to local characteristics and its capabilities to efficiently use and conserve water. The plan addresses measures for residential, commercial, governmental, and industrial water demand management as set forth in California Water Code Article 2 (commencing with Section 10630) of Chapter 3. At all times the District encourages efficient use, described as the management measures that result in the most effective use of water so as to prevent its waste or unreasonable use/unreasonable method of use, and prohibits water waste.