

APPENDIX H

Water Waste Ordinance

- I. Recordkeeping. The District shall keep and maintain written records of locations of auxiliary water supplies and Backflow Devices, Backflow Device installation and repair records, written statements concerning auxiliary water supplies, and survey, testing and inspection reports.
- J. District Access to Premises. The Cross-Connection Officer, and the designated representatives, shall have reasonable access to a Customer's Premises for purposes of making inspections and surveys for cross-connection control, inspections of installed Backflow Devices, and as otherwise necessary to protect the public water supply against cross-connections. If any Customer refuses entry by, or hinders or prevents inspection by the Cross-Connection Officer or the representative, then the District may discontinue water service to the Premises until entry is allowed or device is located in a location where District Staff has access.
- K. Enforcement. In addition to any other remedy provided by this Code or by law, if a Customer fails to comply with any provision of this Section, then the District may discontinue water service to Customer's Premises until the Customer fully complies with this Section to the satisfaction of the District.

SECTION 11: PROHIBITED PRACTICES AND ENFORCEMENT MEASURES

The District may refuse to furnish water and may discontinue water service to any Premises where apparatus, appliances or equipment using water is found by the General Manager or his/her agent to be dangerous or unsafe, where the use of water on such Premises is found to be detrimental or injurious to the facilities or water service furnished by the District to other Customers, where negligent or wasteful use of water exists that affects the District's water service, or to protect the District from fraud or abuse.

No one except an authorized District employee, agent, contractor or permittee shall at any time operate, interfere with or tamper with the District water service mains, pipes, meters, valves, connections, or any other parts or facilities of the water system.

No ground wire or electric circuit shall be attached or grounded to any District pipe, plumbing or other facilities. Any Person who makes, or permits to be made, such a connection will be liable to the District for any damage, loss or injury resulting from the connection.

11.1 Leaks or Wasteful Use of Water

Water shall be used only for beneficial uses. All unnecessary and wasteful uses of water are prohibited. No Customer shall knowingly permit leaks or other wasteful use of water.

11.1.1 Wasteful Use of Water Defined

Wasteful use of water shall be defined as including but not limited to, permitting water to escape onto roads or flow above ground to neighboring property, onto land previously irrigated and over-saturated or by flooding property to an unreasonable depth or in an unreasonable amount for any reason.

11.1.2 Water Service Refused

Water service may be refused to Customers found to be wasting water until the conditions causing such waste have been remedied to the satisfaction of the District.

11.1.3 Involuntary Metering for Water Waste

In order to prevent waste and misuse of water by a Customer, the District may meter any flat-rate service connection and apply the regularly-established meter rates if the Customer continues to waste or misuse water for five days after the District has notified the Customer in writing to discontinue such practice.

11.2 Enforcement Measures

In the event of violation of any terms of this Code of ordinances, other than failure of a Customer billed or the owner of any Premises to pay any water service charge prior to delinquency, the General Manager may disconnect the Premises from the District water service system by following the following procedures.

11.2.1 Written Notice to Customers

At least ten days before the proposed discontinuance, the District shall provide written notice to the Customer and the property owner, if other than the Customer, of the District's intent to discontinue service and the grounds upon which the action is taken. Notice shall be mailed to the address of record and hand delivered to the service address.

11.2.2 Customer Right of Review

Before discontinuance of service, the Customer or property owner shall have the opportunity to discuss the reason for the proposed discontinuance with the General Manager, or his or her designee, who shall be empowered to review all letters and statements, rectify any errors, and settle controversies pertaining to the discontinuance of service.

11.2.3 Dates for Discontinuance of Service

No service shall be discontinued on any Saturday, Sunday, legal holiday, or any time during which the District's business offices are not open to the public, except for an emergency condition that requires the service to be terminated to avoid property damage or safety concerns.

11.2.4 Penalty for Unauthorized Service Connection

A penalty plus costs incurred may be assessed for each unauthorized service found to be connected to a private or District pipeline. See Appendix C for the current Unauthorized Connection Fee.

- 22.2.6 Upon application for installation of one or more fire service connections to an existing District water main, the Customer shall pay such charges as shall be determined on the basis of actual costs incurred by the District in performing the work. At the time of application for the installation, the District will estimate the total costs to be incurred in performing the work. The Customer shall deposit the estimated amount with the District prior to commencement of the work. The work shall be performed by the District under District work order. If actual costs incurred by the District are less than the amount deposited, the District shall refund the balance of the deposit to the Customer. If the costs incurred exceed the amount deposited, the Customer shall reimburse the District for the additional costs. Where the fire service connection is to be made to a water main to be constructed in a street by the owner or Developer, the costs for such connection shall be covered under the standard Developer's agreement with the District for installation of the water facilities for the development project.
- 22.2.7 Water for private fire protection services, other than residential, shall be provided in accordance with District fees and charges set forth in Section 12.3.2.
- 22.2.8 The District shall have no responsibility for the proper functioning of the fire service system or for the availability of water from its mains for fire protection in the event of an emergency. While the District undertakes at all times to have adequate supplies available in its system for ordinary uses, it is not a guarantor of continual service in quantities and pressures adequate for all purposes, and, as a condition to the District providing the fire service connection, the District shall incur no liability nor be subject to any damages resulting from a failure or malfunctioning of the fire sprinkler lateral or fire sprinkler system or from a lack of water in adequate quantity or pressure to make it fully effective.

SECTION 23: DISTRICT WATER CONSERVATION PROGRAM

23.1 Establishment of the Conservation Program

There is hereby established the District Water Conservation Program which shall be administered as provided in this Section. This program is adopted pursuant to the laws of the State of California.

23.2 Non-Applicability of this Program to Certain Activities

- 23.2.1 No provisions of the District Water Conservation Program shall apply to fire hydrants, fire mains, sprinkler lines or other equipment used solely for fire protection purposes.
- 23.2.2 No provisions of the District Water Conservation Program shall apply to any hospital, health care or convalescent facility or any other type of facility where the health and welfare would be affected by restrictions on water used, nor shall it apply to veterinary hospitals. However, this ordinance does apply to the outdoor grounds, yard and parking areas of these facilities.

23.3 Determination and Declaration by General Manager of Water Supply Conditions

During any period of threatened or actual water shortage, the District has the right to apportion its available water supply among Customers in a manner that appears most equitable with due regard to public health and safety.

23.3.1 The General Manager of the District, with Board concurrence, based upon all available data, shall determine and declare whether the District's water supply and/or distribution is in one of the five following conditions, and in a stage higher than Stage I-Normal Water Supply, post a notice at the District Administration Building. The Water Conservation Stages are further defined in Appendix D.

Stage I – Normal Water Supply: The District's supply or distribution system is able to meet all the water demands of its Customers in the immediate future.

Stage II – Water Alert: There is a probability that the District's supply or distribution system will not be able to meet all of the water demands of its Customers.

Stage III – Water Warning: The District's supply or distribution system is not able to meet all of the water demands of its Customers.

Stage IV – Water Crisis: The District's supply or distribution system is not able to meet all the water demands of its Customers under Stage III – Water Warning requirements.

Stage V – Water Emergency: The District is experiencing a major failure of a supply, storage or distribution facility.

23.3.2 As soon as a particular condition is declared to exist, the water conservation measures provided for herein for that condition shall apply to the area designated for District water service until a different condition is declared.

23.3.3 Water conservation enforcement measures for persistent water wasters shall provide the following sequence of notification, discontinuance of service and progressive reconnect fees:

- A. Notify Customer of water waste condition in writing offering District Master Gardener service, use of resource library, etc., to help correct the situation, and follow up with one-on-one contact over a two-week period.
- B. Send a second letter giving a specific date for correction and notice that the District will, after that date, terminate service until a reconnect fee is paid and the correction made.

The reconnect fee shall be progressive by violation (failure to correct or eliminate water waste condition) as follows:

1 st Reconnect Fee	-	\$ 50.00
2 nd Reconnect Fee	-	\$100.00
3 rd Reconnect Fee	-	\$200.00
4 th Reconnect Fee	-	\$400.00

Following the enforcement of the first reconnect fee, the District may install a water meter and require payment by metered rates, or the District may install a flow restriction device at the expense of the Customer.