

## ORDINANCE NO. 12-01-09 (B L)

# AN ORDINANCE OF THE INDIAN CREEK-WESTRIDGE COMMUNITY SERVICES DISTRICT ESTABLISHING BY-LAWS AND RULES AND REGULATIONS AND ENABLING WATER RATES, FEES AND CHARGES AND STREET LIGHTING FEES AND REPEALING ORDINANCE NO. 2001-1-(O ) OF THE INDIAN CREEK COMMUNITY SERVICE DISTRICT AND ORDINANCE NO. 2006-1 OF THE WESTRIDGE COMMUNITY SERVICES DISTRICT

BE IT ORDAINED by the Board of Directors of the Indian Creek-Westridge Community Services District ("IC-WCSD" or "District"), as follows:

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## SECTION 2. GENERAL PROVISIONS

- 2.01 **Short Title** - This Ordinance may be cited as the IC-WCSD Water Regulations, By-laws and Service Ordinance (or "Ordinance").
- 2.02 **Purpose** - This Ordinance is intended to provide rules and regulations applicable to the administration and operational activities of the District. The District was formed by the consolidation of the former Indian Creek Community Service District and the former Westridge Community Services District on June 22, 2009. This Ordinance may be amended from time to time as necessary by action of the Board of Directors of the IC-WCSD.
- 2.03 **Enabling Statutes** - This Ordinance is adopted pursuant to the applicable provisions of Division 12 of the Water Code and Division 5, Chapter 7, Title 5, Division 2 of the California Government Code Section 61600 et seq., and further

pursuant to the Constitution of the State of California. The District is further authorized by Water Code Section 31027 to prescribe and define by ordinance those restrictions, prohibitions and exclusions it may determine to be necessary pursuant to the California Constitution Article X, Section 2 and Water Code Sections 31026, 375-277 and 1009 to restrict the use of district water during threatened or existing water shortages. It is therefore the intent of the Board of Directors to establish by this Ordinance those procedures and policies necessary for the administration of a water conservation program to prohibit waste and to restrict the use of water during a water shortage emergency.

- 2.04 **Application** - This Ordinance shall apply to all public domestic water supply facilities constructed, maintained and operated by the District, and to the payment for street lighting facilities.
- 2.05 **Enterprise** - The District will furnish and/or maintain a system, plant, works and undertaking used for and useful in the delivery of water to the District's two service zones and the provision of street lighting for the Westridge service zone, including all annexations thereto, lands, easements, rights in land, contract rights and franchises.
- 2.06 **Separability** - If any portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid by the decision of any court, such decision shall not affect the validity of the remaining portions of this Ordinance.
- 2.07 **Words and Phrases** - For the purpose of the Ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.
- 2.08 **Posting** - Upon adoption, this Ordinance shall be entered in the minutes of the governing body and certified copies hereof shall be posted in accordance with the law.
- 2.09 **Means of Enforcement** - The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations, and not as a penalty.
- 2.10 **Notices** - Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made either by personal delivery thereof to the person to be notified, or by posting the notice on the affected property, or by deposit in the US Mail in a sealed envelope, postage prepaid, addressed to such person at the last known address as the name appears on public or district records. Service by mail shall be deemed to have been completed at the time of delivery by the postal service. Proof of giving any notice may be made by the confirmation of any officer or employee of the District.
- 2.11 **Effect of Heading** - The title, division or section headings contained in this Ordinance

shall not be deemed to govern, limit or modify in any manner the scope, meaning or intent of any section or subsection of this Ordinance.

- 2.12 **Ruling Final** - All Ruling of the District shall be final. All rulings of the General Manager shall be final, unless appealed in writing to the Board within ten days of the General Manager's decision. When appealed, the Board's ruling shall be final. Appeals to the Board shall be processed in accordance with Sections 5.06 and 13.0 of this Ordinance.
- 2.13 **Conflict in Provisions** - In the event that the provisions of this Ordinance conflict with any other code, ordinance or regulation of the District, the provisions of this Ordinance shall govern. In the event any provision of this Ordinance conflicts with a preemptive provision of State law, this Ordinance shall be interpreted and applied in conformity with State law.

### **SECTION 3. DEFINITIONS**

The following definitions apply throughout this Ordinance:

- 3.01 **Applicant** - The person making application hereunder and who shall be the owner of the premises involved, or his or her authorized agents, so authorized in writing to the District.
- 3.02 **Board** - The Board of Directors of the IC-WCSD acting in its capacity as the governing body of the District.
- 3.03 **Connection** - The pipe line and appurtenant facilities such as the service valve, meter and meter box, all used to extend water service from the main to the premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.
- 3.04 **Contractor** - A person or entity hired by the District or by a developer, for the purpose of maintaining and/or constructing water works facilities within the District. All such contractors must be licensed and bonded according to State of California requirements. Copies of said documents shall be provided for the Manager or his agent for district records.
- 3.05 **Cost** - The costs of water production and distribution, street lighting, labor, materials, transportation, administration, accounting, engineering, and all other necessary operating and overhead expenses.
- 3.06 **County** - The County of Inyo, California.
- 3.07 **Customer** - Any person or non-resident entity supplied or entitled to be supplied with water service by the District.

3.08 **Customer's Service Valve** - A valve independent of the District's facilities located in the customer's piping as close to the meter as practicable, the operation of which will control the entire water supply from the meter to the premises, or if no meter exists, then from the main.

3.09 **Cross-Connection** - Any physical connection between the piping system from the District service and that of any other water supply that is not, or cannot be, approved safe and potable for human consumption, whereby water from the unapproved source could enter into the District's distribution system.

3.10 **District** - Indian Creek-Westridge Community Services District, a Community Services District formed under the provisions of the California Government Code and the California Water Code Sections 30000, et seq., within Inyo County, California. The formation of the IC-WCSD District was recorded as a consolidated District on June 22, 2009.

3.11 **Easement** - A portion of land within property on which is dedicated for the installation of, operation of, maintenance of, and use of water system facilities.

3.12 **District Engineer** - A person or firm appointed by the Board of Directors to act as an engineer of the District, and who shall be registered as a Civil Engineer by the State of California.

3.13 **Emergency** - A water shortage or a water contamination event declared by the Board.

3.14 **Facility/Capacity Charges** - Charges determined in accordance with Government Code Section 66000, et seq., or any successor statutes to pay for the facilities of the District.

3.15 **General Manager** - The General Manager, or Manager, of the District.

3.16 **Governing Body** - The Board of Directors, or Board, of the Indian Creek-Westridge Community Services District.

3.17 **Inspector** - The person who shall perform the work of inspecting water facilities under the jurisdiction or control of the District.

3.18 **Main** - A water pipeline in a street, highway, alley or easement used for public and private fire protection and for the general distribution of water.

3.19 **May** - Means permissive.

3.20 **Owner** - The person owning in fee title, or in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in

possession of the property or buildings under claim of, or exercising acts of ownership over same, for himself, or as executor, administrator, guardian or trustee of the owner.

- 3.21 **Permit** - Any written authorization required pursuant to this or any other regulation of the District.
- 3.22 **Person** - Any human being, individual, firm, company, partnership, association and private, public or municipal corporation, the United States of America, the State of California, district, special district, and any other political subdivision, governmental agency, or other public entity or agency.
- 3.23 **Premises** - A lot or parcel of real property under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office buildings may be classified as single premises.
- 3.24 **Fire Protection Service** - Water service and facilities for structure sprinkler systems, hydrants, hose reels and other facilities installed on property for fire protection and the water available thereto.
- 3.25 **Public Fire Protection Service** - The service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.
- 3.26 **Regular Water Service** - Water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available thereof.
- 3.27 **Residential** - Any single family unit, accessory housing, duplex or triplex family unit not requiring licensing for occupancy and operation.
- 3.28 **Secretary** - The Secretary to the Governing Body.
- 3.29 **Shall or Will** - Means mandatory.
- 3.30 **Temporary Water Service** - Water service and facilities rendered for construction work and other uses of limited duration, and the water available thereof.
- 3.31 **Waste** - Shall mean any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to: the use of water for any purpose which allows flooding or runoff in gutters, driveways, streets or adjacent lands; the use of water in violation of any of the specific uses prohibited and restricted by this Ordinance as hereby set forth. Refer to Sections 5.03, 5.12 and 10.0.

3.32 **Water Service Connection** - The connection of a meter and/or service to the District system, the installation of a meter or service valve and connection to the main.

3.33 **Water Supply Shortage** - Shall mean any water shortage caused by drought or any other threatened or existing water shortage, disaster or facility failure, earthquake, loss of electrical power, pipe line breakage, or other condition which results in or threatens to result in the District's inability to meet the water demands of its customers. Refer to Sections 5.12, 10.1 and 10.2.

3.34 **Water User** - Shall mean any person, firm, partnership, association, corporation or political entity using water obtained from the water system of the District.

3.35 **Water** - Shall mean that water supplied by the IC-WCSD.

3.36 **Well** - Any well, as defined and described by Title 22, Bulletin 74 of the California Code of Regulations, located within the District boundaries, whether owned by the District or by private owner.

3.37 **Zone** - Pursuant to Government Code section 61140, the Board of Directors has established two zones within the District one of which consists of the area of the former Westridge Community Services District and the other consists of the area of the former Indian Creek Community Service District. In the Westridge Zone, water and street lighting services are provided and in the Indian Creek Zone, only water service is provided.

#### **SECTION 4. GOVERNANCE**

4.01 **Board of Directors** - The governing body of the District shall be a board of directors composed of five resident electors from the District. At the time of consolidation (June 22, 2009) the Board is composed of seven members, three from the former Indian Creek Service District, and four from the former Westridge Community Services District. As Board members resign or finish their term of office, the number of directors shall be reduced to the permanent number of five.

4.02 **Officers** - The Board of Directors shall elect from within its membership a President, a Vice-President, a Secretary, and a Treasurer. Terms of office shall be declared at the time of election.

4.03 **Meetings** - The Board shall hold a minimum of quarterly regular meetings within the boundaries of the District. Board meetings shall be conducted according to the terms of the Brown Act and Robert's Rules of Order. The Board may opt to schedule more frequent regular meetings, and may require additional special meetings to deal with issues and emergencies that arise between regular board meetings. Advertisement of all meetings shall be made by posting an announcement of the meeting time and

place and the proposed agenda at the location of the meeting and at any place within the District where public notices may be posted. Property owners within the district will be notified on an annual basis of the scheduled meetings of the Board.

## **SECTION 5. GENERAL RULES**

5.01 **Standards** - The Governing Body may, from time to time, adopt standards or requirements for the design, construction, maintenance, connection to, or modification of the District water system.

5.02 **Violations** – It is unlawful for any person to obtain water from any adjacent parcel or building, or source outside of District boundaries. Regular water service shall only be from the District main and designated service connection valve. Any exceptions caused by special circumstances or emergency conditions must be authorized by the Board, and inspected and approved by the Manager or his agents.

5.03 **Notice of Violation** - Any person found to be violating any provision of this or any other ordinance, resolution, rule or regulation of the District shall be served, either by the Manager or his agent, with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

5.04 **Investigation Powers** - The District Manager, Inspector or his agent shall carry identification as an authorized representative of the District, and upon exhibiting the identification shall be permitted to enter into any building, property or premises to which the District is furnishing water or has been requested to furnish water, for the purpose of inspection, measurement, sampling, testing or performing other such duties as may be necessary to secure compliance with the provisions of this ordinance.

5.05 **Liability for Violation** - Any person violating any of the provisions of the ordinances, resolutions, rules or regulations of the District, or permitting or maintaining any property in violation of any of the ordinances, resolutions, rules or regulations of the District shall be liable to the District for any expense, loss or damage occasioned by the District.

5.06 **Complaints or Grievances** - When any person has a valid complaint or grievance, it shall be referred to the General Manager, and if not resolved by the Manager, then referred to the Board of Directors. Refer to Section 5.03.

5.07 **Maintenance of Water Pressure and Pressure Conditions** - The District shall not accept any responsibility for the failure to maintain water pressure to its customers and reserves the right to discontinue service while making emergency repairs, or other work required on the water system as determined by the General Manager. In case of medical need, customers dependent upon a continuous supply of water should provide emergency storage. All applicants for water service accept such conditions of pressure and service as provided by the distributing system and hold the District harmless for

any damages arising out of low or high pressure conditions or interruptions of service.

- 5.08 **Water System** - The District will furnish and/or maintain a system, plant, works and undertakings used for obtaining, conserving and providing water for public and private uses, including all parts of the water system infrastructure, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and any other water supply, storage and distribution facilities and equipment.
- 5.09 **Tampering with District Property** - Except as otherwise specifically authorized by the General Manager, no one, except an employee or representative of the District, shall at any time in any manner operate or tamper with any District infrastructure, fixtures, equipment, or facilities. Any person trespassing and/or causing damage will be liable for all costs of repair and replacement, and may be subject to civil or criminal charges.
- 5.10 **Well Construction** - No person or entity, except the District, shall construct or drill a new well or replacement well ("well" as defined in Sec. 3.36) within the boundaries of the District. Existing private wells shall be maintained according to provisions of the Inyo County Code, Section 14.28. Any exceptions must be approved by the Board of Directors and/or their legal counsel.
- 5.11 **Number of Services per Premises** - The applicant may apply for more than one service as may be reasonably required for said premises, provided that the pipe line system for each service is independent of the others and they not interconnected. After review of the application the District Manager and/or Engineer will either approve or disapprove said application.
- 5.12 **Waste of Water** - No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the District may discontinue the service if such conditions are not corrected after giving notice of violation as provided in Section 5.03 and Sections 5.04, 5.19 and 5.24 of this Ordinance.
- 5.13 **Responsibility for District Equipment on Customer Premises** - All facilities which are installed by the District and located on easements through private property for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired or replaced by the District without consent or interference of the owner or occupant of the property.
  - 5.13.1 **Impediments on Easements** - The property owner shall use reasonable care in the protection of the District facilities. District easements shall be maintained free of impediments or obstructions. No structures or permanent improvements such as concrete, retaining walls, immovable fences, irrigation pipes, et al shall be installed or constructed on District easements.
  - 5.13.2 **Owner's Liability for Removal of Impediments** - Provided that the owner does not remove obstacles or impediments as requested by the District, the District's

costs for removal of such impediments will be applied to the customer's account.

- 5.14 **Ground-Wire Attachments** - All individuals or business organizations are forbidden to attach any ground-wire or 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 caused by such ground-wire attachments.
- 5.15 **Control Valve on the Customer Property** - Each customer should provide a valve on their side of the service installation, as close to the meter location as practicable, to control the flow of water to the piping on their premises. Customer should not use the District's service valve or water meter valve to turn water on and off for their convenience.
- 5.16 **Cross-Connections** - Water service may be refused or discontinued to any premises where there exists a cross-connection as defined in Sections 3.09 and 11.1 of this Ordinance.
- 5.17 **Fraud or Abuse** - Service may be discontinued if necessary to protect the District against fraud or abuse.
- 5.18 **Interruptions in Service** - The District shall not be liable for damage which may result from an interruption in service due to system operation and maintenance, or from a cause beyond the control of the District. The District will strive to provide advance notice of planned non-emergency or controlled interruptions of service.
- 5.19 **Ingress and Egress** - Representatives from the District shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably relative to the furnishing of water service. Refer to Section 5.24.
- 5.20 **Installation of Services** - Only duly authorized employees or agents of the District shall be authorized to install service connections. All service connections shall comply with the specifications of the District. Meters will be installed in the water main easement area, and shall be owned by the District. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by District authorized employees or agents.
- 5.21 **Change in Location of Meters** - Meters and any other water system appurtenance moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at District expense.
- 5.22 **Size and Location** - The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. Service installations will be made only to property abutting distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as herein provided.

5.23 **Service Valve** - Each service connection installed by the District shall be equipped with an approved ball valve on the inlet side of the meter. Such valve is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the service valve is damaged by the consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

5.24 **Access to Meters** - The District reserves the right to enter upon the applicant's premises for the purpose of reading, repairing or replacing the water service meter. The applicant shall be solely responsible for the control of all animals which may pose a potential threat to District employees and shall be liable for any injury to District employees resulting from unrestrained animals. Where District employees may encounter some personal risk in attempting to read a meter the meter will not be read, and the customer's bill will be estimated.

6.01 **Application for Water Service** - The property owner or his or her agent shall contact the General Manager for water service. Payment for the necessary charge for existing or new connections to the District's facilities shall be made at the onset of service. The fee shall be as prescribed by IC-WCSD Ordinance and any subsequent resolution.

6.02 **Water Service to Customers other than Property Owners** - Water service to customers other than property owners shall be made as follows:

6.02.01 **Property Owner's Signature** - If a property owner rents the premises to a tenant, the owner may have water service and other services instituted in the tenant's name, provided that the tenant secures the property owner's signature on the application for service.

6.02.02 **Owner Responsibility** - For delinquent accounts not paid by the tenant, the property owner shall be responsible for any unpaid water charges for the subject property as provided in this Ordinance and pursuant to California Water Code Section 31701.5, et seq., whether such charges are incurred by the tenant or by the owner.

6.03 **Payment for Previous Service** - At the time of application, if a delinquent account is currently held in the applicant's name, the application shall not be accepted unless the account is paid in full.

6.04 **Domestic, Commercial, and Industrial Service Connection** - It shall be unlawful to maintain a connection except in conformity with the following rules:

6.04.01 **Separate Building** - Each house or building under separate ownership shall be provided with a separate service connection.

6.04.02 **Single Connection** - Not more than one service connection for domestic or commercial supply shall be installed for one building, except under special conditions.

6.04.03 **Different Owners** - A service connection shall not be used to supply an adjoining property or other property across a street, alley or easement.

6.04.04 **Divided Property** - When property provided with a single service connection is divided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters. A new service will be required for a newly divided parcel.

6.04.05 **Multiple Buildings** - Multiple houses or buildings under one ownership and on the same lot or parcel of land may be supplied through the same service connection provided that the service connection shall be of such size as to serve adequately said houses or buildings.

6.05 **Service Connections Maintenance** - The service connection extending from the water main, including the meter, meter box, and service valve, shall be owned and maintained by the District. All pipes and fixtures extending or lying beyond the meter or service valve shall be installed and maintained by the owner of the property.

6.06 **Water Loss** - The District's jurisdiction and responsibility ends at the service valve and the District will in no case be liable for or assume any responsibility for damages occasioned by water running from the customer's open or faulty fixtures, or from broken or damaged pipes on the customer's side of the meter and/or service valve.

6.07 **Damage through Leaking Pipes and Fixtures** - When turning on the water supply as requested to a house or property which has been or is vacant, the District will require the requesting party to be present to inspect the inside of the building for leaks. If leaks are found, the water will be shut off at the service valve until repairs have been made to eliminate all leaks.

## **SECTION 7. APPLICATION FOR WATER SERVICE FOR MAIN EXTENSION, SUBDIVISION, OR ANNEXATION**

7.01 **Within District Boundaries** - Any proposed main extension, subdivision, or annexation shall be incorporated into District boundaries prior to application, per the administrative requirements of the Inyo County Local Agency Formation Commission.

7.02 **Application** - Any owner of one or more lots or parcels of land or subdivider of a tract of land desiring the extension of one or more water mains to service such property shall

make a written application thereof to the District. Said application shall contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the District. Said application shall also be accompanied by a map showing the location of the proposed mains, valves, hydrants, and connections. The applicant shall include a statement that all ground water rights and constructed water system infrastructure will be deeded to the District in consideration the District's approval of the proposed main extension, subdivision or annexation.

- 7.03 **Investigation** - Upon receipt of the application, the General Manager and/or Engineer shall make an investigation the proposed development and shall report their findings to the Board.
- 7.04 **Ruling** - The Board shall thereupon consider said application and report, and shall either reject, approve, or return the application for revision.

## **SECTION 8. TEMPORARY SERVICE**

- 8.01 **Supply from Fire Hydrant** - An applicant for temporary use of water from a fire hydrant shall secure a permit from the District and pay the hydrant meter deposit. The applicant shall also pay for the water used in accordance with the meter readings, at the rates prescribed by the District.
- 8.02 **Unauthorized Use of Hydrants** - Tampering with any fire hydrant for the unauthorized use of water there from, or for any other purpose, is subject to a penalty charge for each occurrence as may be set by the Board.
- 8.03 **Meter Availability** - The applicant shall make the hydrant meter available as prescribed by the District for reading on a monthly basis.
- 8.04 **Pools and Tanks** - When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements shall be made with the District prior to taking such water.

## **SECTION 9. PUBLIC FIRE PROTECTION**

- 9.01 **Use of Fire Hydrants** - Fire hydrants are for use by the Fire Protection District. Other parties desiring to use fire hydrants for any purpose shall first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the Water District. Unauthorized use of hydrants in violation of any provision of this Section shall be penalized and/or prosecuted according to law. Refer to Section 5.09.
- 9.02 **Moving of Fire Hydrants** - If a property owner desires a change in the size, type or location of the hydrant, they shall bear all costs of such changes. Any such changes

shall be approved in advance by the District and any other proper authority.

## **SECTION 10. WATER SHORTAGE OR CONTAMINATION EMERGENCY**

- 10.01 **Emergency Situation** - If any water shortage emergency or contamination emergency is declared by the Board and/or if the District's Emergency Response Plan is implemented, the General Manager shall implement the actions necessary to conserve water or to treat the contaminated water. All persons within the District shall be responsible for carrying out any requested water conservation or water treatment measures.
- 10.02 **Non-Compliance** - If any deliberate non-compliance of requested water conservation or treatment measures occurs, the General Manager or his agents are hereby authorized to discontinue water service to the non-compliant premises.

## **SECTION 11. CROSS CONNECTION CONTROL**

- 11.01 **Cross Connections** - To protect the public potable water supply system of the IC-WCSD, a Cross Connection Control Program is hereby declared to implement the control of potential or actual cross connections. The regulations relating to cross connections are established in the California Administrative Code, Title 17. These regulations are applicable to the protection of the water supply of this District, and are hereby adopted as part of this Ordinance.
- 11.02 **Determination of Cross Connection** - Upon the determination by the District that a backflow prevention device is required, upon informing the owner of the premises, the District shall install such a device as soon as reasonably possible.
- 11.03 **Failure to Install Prescribed Device** - Failure of the owner to allow installation of said device as prescribed, or if the owner causes the removal, bypass, or damage to said device, it shall constitute grounds for discontinuance of water service to the premises.
- 11.04 **Installation, Inspection, Testing and Maintenance** - All backflow prevention devices shall be inspected and tested at least annually. Inspection and testing shall be performed by a certified backflow tester, as approved by the State of California, certified to test and repair backflow prevention devices. The records of each test shall be maintained by the District, and the District shall provide the test results to the owner.
- 11.05 **Repair of Defective Devices** - In the event that the device is found to be defective, the District shall cause the necessary repairs and/or replacement to be made.
- 11.06 **Installation Required** - Upon the determination by the District that a backflow prevention device is required on a customer's water service line, it shall be installed after the service valve and/or meter and before the first branch line leading off the service line.

11.07 **Cross Connection Control Criteria** - Criteria examined to determine whether a backflow prevention device is required shall include, but not be limited to, the following:

11.07.01 **Auxiliary Water Supply** - Premises being or to be served with water by the District having an auxiliary water supply of a quality which is not acceptable to the District as an additional source.

11.07.02 **Industrial Hazards** - Premises on which industrial fluids or other objectionable substances are being handled in a manner as to create an actual or potential hazard to the public water supply.

11.07.03 **Inspection Not Possible** - Premises whose internal piping system has cross connections that cannot be corrected or controlled, or whose system is not accessible for inspection to make a determination of the existence of a cross connection.

11.07.04 **Degree of Hazard** - The type of backflow prevention device required shall be based upon the degree of hazard existing upon the customer's premises. The degree of hazards is considered to be those defined as follows:

11.07.041 **Severe** - A cross connection, actual or potential, involving a fluid, chemical or substance capable of causing death or the spread of disease or illness. These premises shall be isolated from the public water supply system by an approved Air Gap.

11.07.042 **Moderate** - A cross connection, actual or potential, within a customer's piping system handling potable water which has a high probability of becoming contaminated with any substance. Under these conditions the public water supply system shall be protected by an approved Reduced Pressure Principle Device.

11.07.043 **Minor** - A cross connection, actual or potential, within a customer's piping system which has a low probability of becoming contaminated with a substance which would be aesthetically objectionable if introduced into the public water supply system shall be protected by an approved Double Check Valve assembly, or an approved vacuum breaker assembly as required for sprinkler irrigation systems.

11.08 **Typical Facilities -**

Mobile Home Parks, Schools, Swimming Pools, Property with an operating private well and also connected to the District water system, Landscape irrigation systems.

11.09 **Approved Devices** - The District shall utilize backflow prevention devices approved by

the California Department of Public Health for the protection of public water supply systems.

- 11.10 **Enforcement** - Service of water to any premises shall be discontinued per sections 11.03 and 11.06.
- 11.11 **Responsibility of Owner** – All costs affected by the implementation of the Cross Connection Control Program, per Section 11.01, shall be the responsibility of the owner. The District Manager will submit verification of the District's cross connection expenditures applicable to each premises, whereby the expenditures will be included in the customer's water billing account for reimbursement of costs to the District.

## **SECTION 12. DISCONTINUANCE OF WATER SERVICE FOR NON-PAYMENT**

- 12.01 **Disconnection for Non-Payment** – Water service shall be discontinued if payment for water service is not made within 120 days of the date of mailing the past due bill.
- 12.02 **Procedure for Disconnection** – At least forty-eight (48) hours prior to termination of service, the District will make a reasonably good faith attempt to notify the resident of the affected property. The customer service valve will be either locked in the shut position or physically disconnected. Any disconnection shall be subject to the complaint procedures specified in Sections 2, 5 and 13 of this ordinance.
- 12.03 **Service Charges for Discontinuance** – Water service shall not be restored until all applicable disconnection and reconnection (shut-off and turn-on) fees are paid. Said fees include applicable security deposits, service charges, and penalty fees as established by District ordinances and resolutions.

## **SECTION 13. CUSTOMER CHARGES AND BILLING PROCEDURES**

- 13.01 **Establish Rates and Charges** - The Board of Directors may establish, either by resolution or by ordinance, rates, fees and charges for water and other service as provided by the District. The schedule of approved charges is available from the District's Accountant or the General Manager.
- 13.02 **Administrative Charges** – The charges for returned checks, notary fees, processing fees, court fees, recording fees, and other extraordinary charges that are not considered regular District accounting or administrative charges.
- 13.03 **Application for Water Service Charge** – A security deposit charge for the advance payment of the first month's water usage bill, which shall be deposited with the District with the water service application prior to receiving water service to any premises.
- 13.04 **Billing Period** – The regular billing period will be monthly or as otherwise established by the District.

13.05 **Payment of Bills** - Bills for water service shall be rendered at the end of each billing period and are due and payable upon presentation. If full payment is not received at the business office of the District on or before the 30<sup>th</sup> day after date of billing, the bill shall become past due and delinquent.

13.06 **Delinquent Charge** - The charge added to each delinquent account at the time an account becomes past due. When a delinquency charge is made, such charge shall be added to the account on the date the account becomes delinquent, and the charge shall become part of the total amount due.

13.07 **Authorization for Continuance of Service for Delinquent Accounts** - The General Manager may authorize continuation of service to a delinquent account if an amortization agreement or other arrangement satisfactory to the District has been established.

13.08 **Partial Payments** - A partial payment of a delinquent account may be accepted, but such payment shall not be cause for removing the delinquent status of the account, and shall not preclude the discontinuance of service or Lien attachment.

13.09 **Opening and Closing of Accounts** - The opening and closing of bills for less than the normal billing period shall be pro-rated.

13.10 **Liens for Unpaid Bills** - After 90 days all unpaid bills shall be subject to a Lien being recorded against the property pursuant to this ordinance, rules, regulations and California Water Code Section 31701.5, et seq., or as otherwise authorized by law.

13.11 **Discontinuance and Resumption of Water Service** - A charge which covers the District costs of disconnection and reconnection (shut off and turn on) of a service connection; such costs to include labor and materials.

13.12 **Vacating Premises** - Customers intending to vacate the premises shall notify the District before/in advance of vacating the premises.

13.13 **Owner Liability** - The property owner shall be responsible for all charges owed to the District, whether or not the property owner signed the application for water service or actually lived on the premises.

13.14 **Suit** - Any unpaid rates, fees, charges, and/or penalties herein provided may be collected by suit. The defendant shall pay all costs in any judgment rendered in favor of the District, including attorney's fees.

13.15 **Water Service Connection** - A charge for the installation of a new service connection to the District's water system including the costs of the meter, valves, pipeline, labor and materials. Such charge shall be paid prior to any water service to the premises.

13.16 **Meter Reading** - Meters will be read as determined by the General Manager and approved by the Board.

13.17 **Consumption Charge** – The charge per 1,000 gallons of water registered by the customer's water service meter, if billings are based on meter readings.

13.18 **Fire Hydrant Charge** – The charge for installation of, or relocation of a fire hydrant, if requested by an owner of a specific premises.

13.19 **Cross Connection Control Valves** – All costs for the installation, testing, maintenance, and replacement of cross connection control valves.

13.20 **Plan Check Charge** – The charge incurred by the District for reviewing water plans submitted to the District.

13.21 **Inspection Charge** – The charge for District inspection of special construction and/or installation projects.

13.22 **Unauthorized Use of Water Charge** – A charge for each unauthorized use and/or waste of District water, or for tampering in any manner with a meter or hydrant.

13.23 **Repair Charge** – The charge incurred by the District for repairing any damage to District appurtenances, infrastructure, facilities, or property.

13.24 **Billing Dispute** - Any charge or billing dispute shall be referred to the General Manager, and if not resolved then to the Board of Directors. The decision of the Board is final and shall not be appealed. Refer to Section 2.12 of this Ordinance.

## **SECTION 14. STREET LIGHTING**

14.01 **Westridge Zone Street Lighting** - Street lighting is provided to the residents of the Westridge Zone of the consolidated District. The nine street lights within this zone are maintained and illuminated by Southern California Edison.

14.02 **Financial Responsibility** - The District will pay Southern California Edison for street lighting fees that have been collected from the customers within the Westridge Zone and/or from payments to the District which were formerly made to the Westridge Community Services District as the result of the passage of Proposition 13.

## **SECTION 15. REPEAL OF ORDINANCES**

Indian Creek Community Service District Ordinance No. 2001-1-(O ) and Westridge Community Services District Ordinance No. 2006-1 are hereby repealed.

## **SECTION 15. EFFECTIVE DATE**

14.01 This Ordinance shall become effective 30 days following its adoption.

APPROVED AND ADOPTED this 13 day of December, 2009.

AYES: Ted Williams, Jeff Anderson, Lois Elias,  
David Mappas, Matt Gaffney, Tom Peters &  
NOES: 0 Brian Westling

ABSENT: George Batchelder

Russ Glavin 12/14/09  
President of the IC-WCSD Board of Directors

David Oldenburg 12-1-09  
General Manager of the IC-WCSD