

WATER ORDINANCE NO.5

AN ORDINANCE REGULATING THE USE OF THE WATER SYSTEM OF DENAIR COMMUNITY SERVICES DISTRICT; ESTABLISHING RATES AND CHARGES FOR WATER SERVICES AND PROVIDING PROCEDURE FOR THEIR ENFORCEMENT

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF DENAIR COMMUNITY SERVICES DISTRICT, COUNTY OF STANISLAUS, AS FOLLOWS:

ARTICLE I --- GENERAL PROVISIONS

101. Short Title. This Ordinance may be cited as "Denair Community Services District Water Service and Rate Ordinance".
102. Enabling Statutes. This Ordinance is adopted pursuant to Chapter 2, Part 5, Division 2, Title 6 of the Government Code of the State of California.
103. Application. This Ordinance shall apply to all water service facilities owned by District.
104. Purpose. This Ordinance is intended to provide for inspection, rates and charges to be collected for furnishing water service by the District.
105. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provisions complained of and requesting suspension or modification of that provision as applied to his premises.
If such application is approved, the Board may, by resolution, suspend or modify the provisions complained of, as applied to such premises, to be effective as of the

date of the application and continuing during the period of the special circumstances.

106. Relief on Motion. The Board may, on its own motion find that by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.
107. Plumbing, Inspection, Compensation. The Board of said District shall employ the District Engineer or such other person as may be designated by the Board, to perform the duties of inspecting the installation, connection, maintenance and use of all water services furnished by the District. He shall receive as compensation for his services for making inspections required to be made by the Ordinances and orders and Regulations from time to time enacted and ordered by said Board, a sum to be fixed by the Board. He shall serve at the pleasure of the Board.
108. Posting. Upon adoption, this Ordinance shall be posted in three (3) public places in the District within ten (10) days following its passage and shall take effect thirty (30) days after the date of its adoption.
109. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provisions to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any sections, subsections, sentences, clauses, or phrases thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.
110. Protection for Damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, which is a part of the District's water works. Any person violating these provisions shall be subject to the penalties provided by law.

ARTICLE II --- DEFINITIONS

201. Definitions. For the purpose of this Ordinance, the terms used herein are defined as follows:
- (a) District means DENAIR COMMUNITY SERVICES DISTRICT
 - (b) Dwelling means a building designed for or occupied for living purposes.
 - (c) Duplex, Triplex and Quadruplex means a building designed for or occupied for living purposes by 2, 3 and 4 families respectively where the dwelling is accompanied by a yard.
 - (d) Trailer Courts means areas maintained for parking 2 or more trailers for living purposes.
 - (e) Apartment Houses means dwellings maintained for living purposes for 2 or more families and in which there is no yard in connection with said dwelling.
 - (f) Churches shall mean places of worship, whether as a part of another building or on separate property and shall not include parsonages.
 - (g) Residences shall mean a dwelling designed to be occupied by a single family.

ARTICLE III --- ENFORCEMENT

301. Limitation of Service Area. Water from the District's water system shall be delivered to consumers thereof, within or without the limits of the District in accordance with the terms of this Ordinance, and not otherwise.
302. Investigation Powers. The Officials, Inspectors, Managers, and any duly authorized employees of District shall carry evidence establishing his position as an authorized representative of the District. Upon exhibiting the proper credentials and identifications, said person shall be permitted to enter upon any and all buildings, Industrial Facilities and properties for the purpose of inspection, observation, measurement, sampling, and such duties as may be necessary in the enforcement of the provisions of this Ordinance and the Rules and Regulations of the District.
303. Disconnection. As a method of enforcing the provisions of this or any other Ordinance, Rule or Regulation of the District, the District shall have the power to disconnect the user from the water system of the District and to refuse to furnish water to the user until the provisions of this Ordinance and all the Rules and Regulations of the District have been complied with. Upon disconnecting, the Inspector shall estimate the cost of disconnection from the system of the District and re-connection thereto and the user shall deposit the cost as estimated of disconnection and re-connection before such user is re-connected to the system. The District shall refund any part of the deposit remaining after the payment of all costs of disconnection and re-connection.
304. Means of Enforcement Only. District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its Ordinances, Rules and Regulations, and not as a penalty.
305. Unlawful to Drill Private Wells. No person shall undertake to dig, bore, or drill a water well, cathodic protection well, or monitoring well, or to deepen or re-perforate any water well, cathodic protection well, or monitoring well, or to abandon or destroy any water well, cathodic protection well, or monitoring well, to be reconstructed or abandoned within the Denair Community Plan Area, without the consent of the Denair Community Services District, and the person has written permission from the General Manager.

When District water is available and a request to connect to the District's system has been approved, or a request to reconstruct a well has been made, the existing non-District-owned well on the property shall be capped and plugged in

accordance with State Regulations, unless otherwise authorized by the District Manager. It will be the responsibility of the owner to hire a licensed contractor with a C-57 license to perform the work.

ARTICLE IV --- BILLING AND COLLECTIONS

401. Establishment and Maintenance of Credit. Each applicant for service shall establish and maintain credit to the satisfaction of the District by a cash guarantee deposit, as hereinafter provided, before service will be rendered.
402. Guarantee Deposit. The amount of deposit required shall be three times the average monthly billing to the residence. No interest will be paid on guaranteed deposits. Upon disconnection of service, the deposit may be applied toward the closing bill and any surplus shall be refunded to the customer.
403. Loss and Re-establishment of Credit. Any amount due for water service that remains unpaid for thirty (30) days after presentation of a bill therefore may be deducted from the guarantee deposit. The service shall be subject to discontinuance until the deposit is again restored to the original amount.
404. Deposits by Other than Owner. Deposits made by applicants other than the owner of the premises shall be refunded only upon discontinuance of service and in accordance with Section 402 above.
405. Billing Period. The regular billing period will be monthly or bi-monthly at the option of the Board.
406. Opening and Closing Bills. Opening and closing bills for less than the normal billing period may be prorated on a daily basis.
407. Payment of Bills. Bills for water service shall be rendered at the end of each billing period to include the charges for the following period. All water service charges shall become due and payable ten days after bills therefore are rendered and shall become delinquent after the first day of the calendar month following the date of payment specified therein. On each bill for water service rendered by the District shall be printed substantially the following: "This bill is due 10 days after it is rendered and becomes delinquent if not paid on the first day of the calendar month after its due date. Upon delinquency of this bill, all service covered by this bill may be discontinued and a basic penalty of 10% of the total amount of this bill will be added for the first month delinquent and an additional penalty of 1½% of the total amount of the bill and basic penalty will be added for each additional month during the time the bill remains unpaid. A cash deposit and a re-connection charge may be required to reestablish service."
- 407.1 Owner's Responsibility. In the event the person occupying the premises for which water services are furnished by the District is not the owner of the premises, and in the event the charges for the water services are not paid by the person occupying

the premises, the owner or owners of the premises shall be liable for the water services furnished by the District. Collection for the services by the District from the owner or owners of the premises shall be enforced by any means provided for in the Ordinance.

407.2 Billing for Multiple Dwellings. Service charges for water services furnished to apartment houses, duplexes, and similar multiple housing units shall be billed to and payable by the owner of the premises for all living units in the apartment houses, duplexes, or similar multiple housing units. All other remedies for collection of service charges provided for in this District's Ordinances shall apply.

408. Penalty. If any bill is not paid in full within 30 days after it becomes delinquent, a basic penalty of 10 percent of the amount of such bill shall be added to it for the first month delinquent and a penalty of one percent per month of the amount of such bill and basic penalty shall be added to such bill for each month during the time such bill shall remain unpaid after the delinquent date.

408.1 Collection of Charges and Penalties on Tax Roll.

The Board of Directors has determined that charges for water, sewer and other services provided to a premises are the responsibility of the owner of the property and all rates, charges, fees and penalties for such services shall run with the land and shall be a lien on the property or properties for which service is provided.

Each year, on a date established by the District, the General Manager may prepare and file with the Board of Directors a report that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year. The General Manager shall give notice of the filing of any report and of the time and place for a public hearing by publishing the notice pursuant to §6066 of the Government Code in a newspaper of general circulation and by mailing the notice to the owner of each affected parcel. At the public hearing, the Board of Directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the Board of Directors may adopt or revise the charges and penalties. The Board of Directors shall make its determination on each affected parcel and its determinations shall be final. The General Manager shall file with the County Auditor a copy of the final report adopted by the Board of Directors. The County Auditor shall enter the amount of the charges and penalties against each of the affected parcels of real property as they appear on the current assessment roll. The County Tax Collector shall include the amount of the charges and penalties on the tax bills for each affected parcel of real property and collect the charges and penalties in the same manner as property taxes.

The amount of the lien may include an administrative fee to recover the reasonable cost of processing the lien including costs charged by the County.

As an alternative to collecting any charges and penalties on the tax rolls, the District may recover any charges and penalties by recording in the office of the County Recorder of the county in which the affected parcel is located, a certificate declaring the amount of charges and penalties due, the name and last known address of the person liable for those charges and penalties (hereinafter the "Certificate"). From the time of recordation of the Certificate, the amount of charges and penalties constitutes a lien against all real property of the delinquent property owner in that county. This lien shall have the force, effect, and priority of a judgment lien. Within 30 days of the receipt of payment for all amounts due, including the recordation fees paid by the District, the District shall record a release of lien.

The General Manager is authorized and directed to record a certificate with respect to any parcel, lot or premises as to which the District has discontinued water service for non-payment or at any time thereafter. The General Manager may record the certificate without approval of the Board of Directors and at the time service is discontinued for non-payment or at any time thereafter. The General Manager shall mail a copy of the certificate recorded to the owner of the parcel, lot or premises at the owner's last known address.

Any remedies for the collection and enforcement of rates or other charges are cumulative and the District may pursue remedies alternatively or consecutively.

409. Collection by Suit. As an alternative to any of the other procedures herein provided, the District may bring an action against the person or persons who occupied the premises when the service was rendered for the collection of the amount of the delinquent rate and all penalties and costs of collection including a reasonable attorney's fee.

ARTICLE V

CONSTRUCTION, CONNECTIONS AND CAPITAL FACILITIES FEES

501. Service Connections. No two (2) adjacent structures and/or lots, whether fronting on the same street or in the case of a corner lot which would face on two streets, shall be permitted to join in the use of the same waterline. Every building must be separately connected with a public waterline if such water line exists in the street upon which the property abuts or in an easement which will serve said property.
- 501.2 Meters. For each new service to be connected after January 1, 1992, the property owner shall, at the property owner's expense, install an approved type of meter and a meter box. The meter box shall be located one (1) foot back from the sidewalk.
502. Service Connection Installation. Upon payment of the prescribed connection charge and inspection fee, the District will furnish and install the service connection complete from its main or lateral to the curb line if located in the street, or from its main or lateral to the property line if located in an easement or alley.
- 502.1 Valve Box Covers Required. For each new service to be connected after September 1, 1976, the property owner shall, at the property owner's expense, install an approved meter box cover to house the curb stop. The valve box shall be installed at the point where the service connection installed by the district and the water, and the water line of the property owner are connected.
503. Extension of Water System. In the event of the application to District for water service from areas either within or without the District, that are not now presently served by the water system of the District, and if water mains or laterals are not presently available to the area sought to be served, mains or laterals may be constructed by the District to serve such areas, the cost of said construction to be reimbursed to the District by the person or persons seeking service, upon such terms and conditions as shall be agreed upon by the person or persons seeking service and the District.
- 503.1 Verification of Service Availability. Any property owner proposing to engage in new construction shall be required to obtain verification from the District that water service is available to the property prior to the start of construction.

- 503.2 Fees. Prior to the District giving verification that water services are available from the District the property owner shall pay all hookup fees and costs levied by the District.
- 503.3 County Notification. When it has been determined that services are available to a construction site upon which new construction will begin, the District shall notify the County of Stanislaus of the availability of service prior to the issuance by the County of Stanislaus of a permit for the building.
- 503.4 County Co-ordination of Efforts. The District shall from time to time coordinate its efforts with the County of Stanislaus to provide for issuance of a verification that sewer and water services are available prior to the issuance of a building permit by the County of Stanislaus for each new construction.
504. Protection from Damage. No unauthorized person shall uncover, make any connections with, alter or disturb any of the water system of the District without inspection and permit from the District and payment of the inspection fees hereinafter provided for.
505. Plans, Profiles and Specifications Required. Applications for permits shall be made upon forms provided by the District for that purpose. The Applicant shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy, and use of the premises in connection therewith. The District may require plans, specifications or drawings and such other information as may be deemed necessary. If the District determines that the plans, specifications, drawings, descriptions, or information furnished by the Applicant are in compliance with the Ordinances, Rules and Regulations of the District, it shall issue the permit applied for upon payment of the required fees as hereinafter fixed.
- 505.1 Review by District Engineer. In all cases where an improvement plan for development of one or more lots or if a subdivision is submitted to the District for approval, a charge shall be made. The District shall charge the person submitting the said plan or plans the cost to the District for review of the plans by the District's Engineer, and in addition thereto, an amount equal to 20% of this cost to the District.

The charge imposed under this provision shall be due upon completion of the examination of the plans and shall be billed to the person submitting the plans to the District. In the event the said charges shall not be the obligation of the property owner, if different from the person submitting the plans. This District shall have all remedies provided at law for such collections. The General Manager may, in his discretion, require a deposit to secure payment of the charges which may be incurred by the District.

506. Connection Charges. The following hookup charges and inspection fees are hereby established:

- (a) There shall be no hookup charge for each parcel of land being served with water at the time of the adoption of this rate Ordinance, except that for all additional services furnished to any such parcel of land, the hookup charge set forth herein shall be made.
- (b) The water connection charge shall be as follows:
 - 1" service \$5,000.00 deposit amount
 - All others to be actual cost plus 10%.
- (c) The hook-up charge for each service shall be no less than \$447.25 or \$9.40 per front foot of street frontage of the lot, whichever is greater. (For the purposes of this section the frontage of corner lots shall be the sum of the two frontages less 100 feet. Minimum charge shall not be less than \$447.25)

In the event a duplex is constructed on a corner lot in a residential, single-family dwelling subdivision, the lot shall be charged on a front footage basis and not as a corner lot.

In addition, thereto, there shall be the following charge of \$234.80 for any service of less than 1 inch; \$353.95 for any serve over 1 inch but under 1½ inch; for any service over 1½ inch the additional charge shall be the actual cost plus 10%.

- (d) An inspection fee for each service hereafter hooked up to the District's system shall be \$23.90.
- (e) There will be an additional fee of \$20.65 for turning on water services.
- (f) If an existing structure has services but is voluntarily removed from the premises all applicable connection charges shall be paid on a parcel before a hookup will be completed.
- (g) The only exception to Section 506 (d) shall be if the structure is destroyed by fire and then rebuilt by the owner for their occupancy. The only fee payable in that case shall be the line charges and inspection fee.

507. Construction Water: All off-site water shall be provided to subdivisions or other developments under the following conditions:

- (a) All water delivered to water trucks for construction or other use, shall be only taken from a hydrant designated by the General Manager of the Denair Community Services District and delivered to an approved tank truck for distribution. All water so delivered shall be taken from the two and one-half inch (2½") discharge port of the hydrant only. Hydrants are to be opened by use of a hydrant spanner wrench only and by an authorized employee of the Denair Community Services District.
- (b) The deposit for a meter to measure water taken from a hydrant is \$900.00 per meter. The deposit will be refunded provided the meter is returned in the same condition as it was when it was delivered; however, the meter rental fee set forth below together with all consumption of water by use of the meter, unless previously paid, shall be fully deducted from the deposit and the balance returned to the customer.
- (c) Water used for off-site improvements shall be charged at the rate of \$413.35 per acre or a fraction thereof. Parcel size shall be determined through records of the Stanislaus County Recorder and/or Assessor's Office for documentation provided by the property owner.
- (d) A permit is required with respect to each truck used to draw water from any hydrant or hydrants within the District. The fee per truck shall be \$50.00 per month. Partial months are billed at the full monthly rate.
- (e) The monthly rental fee for a two and a half-inch (2½") meter to be used on a hydrant is \$43.42.
- (f) The metered rate for water drawn from a hydrant is \$3.75 for each 1,000 gallons of water. The minimum charge shall be no less than \$50.00, not including the meter rental fee.
- (g) On-site water for construction not taken from a hydrant will be provided for a one-time cost of \$3.75 per one hundred square feet of lot size charged on the building permit. This charge will not be less than \$50.00.

508. "Will Serve" Letter Required.

- (a) Before any "Will Serve" letter is issued by the District for a proposed project within the District or a project outside the boundaries of the District which is proposed to be served by the District, the District shall collect from the project's developer all connection fees, capital facility, recreational and cultural fees which are due as a result of the proposed project.

In any remodeling project, the District shall have the right to install a meter for water service to the project. The actual cost of the installation of the meter to the remodeled project shall be quoted to the remodeler by the General Manager prior to installation and shall be charged on the bill for the month next following the date of installation of the meter.

509. Procedure & Charges to Disconnect or Reinstate Service Due to Non-Payment or Customer Request. The charges for having service discontinued/reinstated shall be as follows for each service:

- (a) Service operator will deliver 'red tag' to customer home with past due balance and minimum due to continue service.
- (b) Service operator will re-visit customer home (approximately 6 days from first red tag) home to establish contact w/customer, Service Call (contact made), \$12.00
- (c) Service Operator will disconnect services (turn water off/on) for non-payment (and/or unable to establish contact) or by customer request within 24 hours during the normal working day, \$50.00
- (d) Water turn off/on done on demand during a normal working day (by Customer Request), \$50.00
- (e) Water turn off/on done during non-working hours, \$150.00

510. Policy on Discontinuation of Residential Water Service for Non-Payment

The Denair Community Services District operates a community water system providing water service to, among others, residences located within the District.

The District shall adhere to the following policy, which shall be posted to the District's internet website on discontinuance of residential water service for non-payment.

1. Length of Delinquency. The District shall not discontinue residential water service for non-payment until payment by a customer has been delinquent for at least 60 days.

2. Procedure for Contacting Customers. Before discontinuation of residential water service for non-payment, the District shall contact the customer named on the account by telephone or written notice. When the District contacts the customer named on the account by telephone, the District shall offer to provide the customer this policy on discontinuation of residential water service for non-payment. The District shall offer to discuss with the customer options to avert discontinuation of residential service for non-payment, including but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance and a petition for bill review and appeal. When the District contacts the customer named on the account by written notice the notice of payment delinquency shall be mailed to the customer of the residence to which the residential service is provided. If the customer's address is not the address of the property to which the residential service is provided, the notice shall also be sent to the address of the property to which residential service is provided, addressed to "occupant". The notice shall include the following information:
 - (A) The customer's name and address.
 - (B) The amount of the delinquency.
 - (C) The date by which payment or arrangement for a payment is required in order to avoid discontinuation of residential service.
 - (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 deferral, reduced or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with these policies.

- 2.2 Failure to Make Contact. If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned as undeliverable, the District shall make a good faith effort to visit the residence and leave or make other arrangements for placement in a conspicuous place of a notice of discontinuation of residential service for non-payment and a copy of this policy.
3. Effect of Appeal. If an adult at the residence contacted by the District either telephonically or by mail, or by posting the notice of potential discontinuation of service at a conspicuous location at the residence, appeals the water bill to the District the District shall not discontinue residential water service while the appeal is pending.
4. When Water Service May Not be Discontinued. The District shall not discontinue residential water service for non-payment, provided that all of the following conditions are met:
- (A) The customer, or a tenant of the customer, submits to the District certification of a primary care provider that a discontinuation of the residential service will be life threatening, or pose a serious threat to the health and safety of, a resident of the premises where the residential water service is provided.
 - (B) The customer demonstrates that he or she is financially unable to pay the residential water service charges within the District's normal billing cycle. A customer is deemed to be financially unable to pay during the District's normal billing cycle if any member of the customer's household is a current recipient of Cal Works, Cal Fresh, General Assistance, MediCal, Supplemental Security Income/State Supplemental Payment Program, or California Special Supplement Nutrition Program for Woman's Infants and Children, or the customer declares that the household's annual income is less than 200% of the federal poverty level.
 - (C) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with this policy with respect to all delinquent charges.

- (D) If a customer meets all the conditions of subparagraphs (A) through (C), above, the District shall offer the customer one or more of the following options:
 - (a) Amortization of the unpaid balance.
 - (b) Participation in an alternative payment schedule.
 - (c) A partial or full reduction of the unpaid balance without additional charges to other ratepayers.
 - (d) Temporary deferral of payment.
- 5. Nature of Payment Options Offered. The repayment options offered to a customer shall be structured in such a way as to allow the delinquent balance to be paid within 12 months. The District may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.
- 6. Discontinuation of Service. Residential service may discontinued no sooner than five business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstance:
 - (A) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan of delinquent charges for 60 days or more.
 - (B) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.
- 7. Providing Information on Restoration of Service. In the event the District does discontinue any residential service for non-payment it shall provide that customer with information on how to restore the residential service.
- 8. Reconnection of Customers Who Meet Poverty Related Standards. With respect to a residential customer who demonstrates household income below 200% of the Federal Poverty Line, the District shall do both of the following in the event that water service is discontinued for non-payment:

- (A) Set a reconnection of service fee for reconnection during normal operating hours at \$50.00, but not to exceed the actual cost of reconnection if it is less than \$50.00. Reconnection fees shall be annually adjusted according to the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during non-operational hours, the District shall set a reconnection of service fee at \$150.00, but not to exceed the actual cost of reconnection if it is less.
 - (B) Waive interest charges on delinquent bills once every 12 months.
 - (C) A customer shall be deemed to have a household income of below 200% the Federal Poverty Line if any member of the household is a current recipient of any of the assistance programs identified in Section 4(B) of this policy.
9. Service to Residence Occupied by Tenants. Where the owner, manager or operator of any dwelling, structure, apartment, apartment complex or park is the customer of record, the District shall make good faith efforts to inform the occupants by means of written notice, when the account is in arrears that the service will be terminated at least 10 days prior to the termination. The written notice shall further inform the resident occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account if water service to the residence occupied by the tenant is separately metered to that residence or if the resident pays the cost of establishing a separate metered connection, and the tenant agrees to all terms and conditions of service including applicable rates and charges.
10. Reporting. The District shall report the number of annual disconnections of residential water service for inability to pay on its website and to the State Water Resources Control Board.
11. Petition for Review of Bill. A customer may petition for review of the bill for water service to a residence by filing a written request or petition for review of the bill within thirty (30) days of receipt of the bill. The petition or request shall identify the bill sought to be reviewed and shall state the adjustment or changes to the bill requested, and the reasons for that request. The

request or petition may be mailed or delivered to any employee at District Office and shall be referred to the District Manager or District Administrator or his or her designee. The review will be conducted within ten (10) days of receipt of the written petition or request and a written determination will be mailed or delivered to the customer. If the customer is not satisfied with the determination, the customer may appeal to the District Board by mailing or delivering to the District Clerk a written appeal identifying those aspects of the determination with which the customer disagrees and why. The District Board's determination of the appeal shall be final.

ARTICLE VI --- WASTING WATER

601. Wasting Water Prohibited. Consumers shall not waste water. Consumers shall keep and maintain all pipes, faucets, hose bibs, fixtures and appliances which have been connected to the District Water System in good order and repair, so that water shall not be lost or wasted.
602. Water Conservation. In accordance with new Regulations set by the State of California, the Denair Community Services District hereby amends its existing 1978 Water Conservation Program as mandated. Previously established Stages 1 and 2 shall remain in effect at all times, and that Stage 3 is hereby established.
603. Water Restrictions in Stages: The following water conservation measures are in effect as of April 22, 2015 but will be amended or suspended at any time as deemed necessary by the Board of Directors. There shall be three stages of restrictions, depending upon the severity of the condition of the water supply, which shall be determined by the General Manager. The General Manager shall notify the Board of Directors as to whether or not to enact or suspend Stage 3 restrictions.
- (a) Stage One: Is in force at all times to conserve water:
- (1) Water Wasting Prohibited: Consumers shall not wastewater. Consumers shall keep and maintain all pipes, faucets, hose bibs, sprinklers, fixtures, and appliances which are connected to the District's Water System in good order and repaired so that water will not be lost or wasted.
 - (2) No outdoor watering times: No outdoor water is permitted between the hours of 1:00 PM and 7:00 PM every day.
 - (3) Outdoor Watering Days: Is permitted seven (7) days per week except during the no outdoor watering times of 1:00 PM and 7:00 PM.
 - (4) No washing of vehicles without a hose shut off or spray nozzle.
- (b) Stage Two: The following conditions will be implemented with the

authorization of the Board of Directors upon the recommendation of the General Manager:

- (1) Odd number addresses: All categories of users with an address ending with an odd number will water on Wednesday and Sunday.
- (2) Even number addresses: All categories of users with an address ending with an even number will water on Tuesday and Saturday.
- (3) No Watering Days: All categories of users will not water on Monday, Thursday or Friday.
- (4) No Watering: All categories of users will not water for 48 hours (two days) after substantial rain fall.
- (5) Penalties and Fines: The following penalties and fines are established for all categories of users:
 - (a) First violation: Warning with suggestions on how not to waste water.
 - (b) Second violation: Subject to a \$25.00 fine
 - (c) Third violation: Subject to a \$100.00 fine
 - (d) Fourth violation: Subject to a \$250.00 fine
 - (e) Five or more violations may result in temporary termination of water service. Service will be returned upon payment of a \$250.00 fine plus all Reconnection Fees associated with returning water services to a customer. If a second termination occurs in the same calendar year, the fine shall be doubled.

604. Implementation of Stage Three: In addition to the requirements of Stages 1 and 2, the following additional restrictions are hereby established under Stage 3. The implementation of Stage 3 is to be authorized by the Board of Directors Upon the recommendation of the General Manager:

- (a) Outdoor Landscape Watering: Is prohibited between the hours of 1:00 pm and 7:00 pm. seven days a week for both Commercial and Residential customers.
- (b) Residential Outdoor Landscape Watering: Is limited to two (2) days

per week. If the address ends in an even number, the watering days will be Tuesday and Saturday. If the address ends in an odd number, the watering days will be Wednesday and Sunday.

- (c) Residential Outdoor Landscape Watering: There will be no outdoor landscape water on Monday, Thursday, and Friday.
- (d) Commercial Outdoor Landscape Watering: Is limited to two (2) days per week. The watering days will be Monday and Thursday.
- (e) No outdoor watering 48 hours after a substantial rain fall.
- (f) Drip Irrigation: These systems shall be exempt.

605. Definitions of Wasting Water. Water wasting will include, but not be limited to, any of the following:

- (a) Watering outdoor landscape areas or gardens such that excess water leaves the property or area being watered.
- (b) Watering outdoor landscaping while raining and within forty-eight (48) hours following any measurable rainfall.
- (c) Washing vehicles, boats, or equipment during restricted days or hours; and/or using an open hose not equipped with hose shut-off or spray nozzle.
- (d) Hosing down driveways, streets, sidewalks, parking lots, and building exteriors without the prior written consent. If consent is given, any restrictions on the frequency, timing, or method would remain in effect unless a health or safety condition existed.

606. Notice of Water Wasting

- (a) Any person committing any act which constitutes the wasting water, will be served Notice of Water Wasting.
- (b) The first Notice of Water Wasting shall serve as a first warning will identify the date, time, and circumstances of the violation and state the amounts of potential penalties for continued water wasting.

607. Fines for Water Wasting

- (a) The First Violation shall consist of a warning only.
- (b) The Second Violation shall have a fine of \$25.00
- (c) The Third Violation shall have a fine of \$100.00
- (d) The Fourth Violation shall have a fine of \$250.00
- (e) Five or more violations may result in temporary termination of water service. Service will be returned upon payment of a \$250.00 fine plus all Reconnection Fees associated with returning water services to a customer. If a second termination occurs in the same calendar year, the fine shall be doubled.

ARTICLE VII --- FEES FOR WATER SERVICES

701. Free services. There shall be no free water services furnished by District.
702. Monthly Metered water rates. Effective July 1,2014 monthly water charges are hereby established for both residential and commercial use on a metered basis instead of a flat rate fee.
- (a) Residential Fixed Unit Charge: A charge of \$30.00 per dwelling unit shall be charged as follows plus a metered rate based on each 1,000 gallons of water or fraction thereof as shown in Section 703.:
- (1) All single-family dwellings will be charged a fee of \$30.00 per month per dwelling unit.
 - (2) Multi-Family Residential: All dwellings that can be described as Multi-Family Residential will be charged \$30.00 per dwelling unit. Multi-Family Residential are considered to be:
 - (a) Duplex, Triplex, quadruplex, etc.
 - (b) Apartment buildings
 - (c) Trailer Courts
 - (d) Mobile Home Parks
- (b) Commercial Rates: All Commercial Rates are based on the size of meter located at the property plus a metered rate based on each 1,000 gallons of water or fraction thereof as shown in Section 704.

All non-residential structures or facilities are considered to be commercial such as, but not limited to:

- (a) Churches
- (b) Convenience or Grocery Stores
- (c) Government buildings (Post Office, Fire Department)
- (d) Offices
- (e) Parks
- (f) Restaurants
- (g) Schools

703. Metered Water Use Charge / Residential: In addition to the Residential Fixed Unit Charge, there will be a Water Use for each 1,000 gallons or fraction thereof used Charge.

CUSTOMER	July 2014	July 2015	July 2016	July 2017	July 2018
Residential, Fixed Rate	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00
Volume / (per 1,000 gallons)	.18	.25	.40	.55	.65

704. Metered Water Use Charge / Commercial: This category encompasses all non-residential accounts. This includes churches, governmental buildings, business, schools, parks, etc.

CUSTOMER	July 2014	July 2015	July 2016	July 2017	July 2018
Commercial					
Volume Rate (\$per/1000 gallons)	1.80	1.80	1.80	1.80	1.80
Metered, Commercial					
1" or smaller	16.70	16.70	16.70	16.70	16.70
1½"	25.05	25.05	25.05	25.05	25.05
2"	33.40	33.40	33.40	33.40	33.40
2 ½"	37.58	41.75	43.42	43.42	43.42
3"	44.26	50.10	53.44	53.44	53.44
4"	73.48	90.18	106.88	106.88	106.88
6"	100.20	133.60	167.00	167.00	167.00
8"	167.00	250.50	334.00	334.00	334.00

ARTICLE X --- Development Impact Fees

1001. Water Facility Fees:

- (a) The purpose of this fee is to collect funds to pay for improvements to the water system that serves the Denair Community Services District. The district must collect this fee to pay for new water system improvements because the existing water system is operating at capacity.
- (b) The fees will be used to pay for new wells, pumps, water lines, and appurtenant to provide water services to newly developed property within the Community Plan area.
- (c) The fees are as follows:

Development Impact Fees	Dev. Inside Exist. CSD Boundary	Dev. Outside Exist. CSD Boundary
Residential Impact Fees/Public Facilities Fees		
Single Family (per dwelling unit)	\$5575.55	\$6808.70
Multi-family per dwelling unit)	\$2836.95	NA
Administration Fees: Single Family	\$477.05	\$477.05
Administration Fees: Multi Family	\$333.50	NA
Commercial Impact Fees		
Water Supply & Trunk Distribution (per acre)	\$26507.15	NA
Water Peak Flow: Per 1,000 sq ft	\$2031.15	NA
Administration Fees: Per 1,000 sq ft	\$197.75	NA

1002. Development Impact Fees / Cultural Facilities:

- (a) The purpose of these fees is to collect funds to develop new and expanded and cultural facilities to serve the Denair Community Services District. The District must collect these fees to pay for cultural buildings and facilities improvements that will maintain the District's desired service standards.
- (b) The fees will be used to pay for cultural facility improvements, including various public buildings.
- (c) Fees are as follows:

Development Impact Fees	Inside/Outside CSD
Single Family (per dwelling unit)	\$1014.45
Multifamily (per dwelling unit)	\$663.45

ARTICLE XI --- Backflow Prevention Device Inspection

1101. Backflow Prevention Device Inspection Requirements:

- (a) Every water connection to the District's Water Delivery System is required to have a Backflow Prevention Device. These devices must be inspected annually. The District will send notice to all customers notifying them of the date and time by which their Backflow Prevention Device must be tested and a report generated which confirms the device is functioning properly. Customers may retain a contractor to perform that work; or, in the event the customer fails to procure a contractor to perform the required testing, inspection and report to be submitted to the District, the District personnel will conduct those tests and inspections. If a deadline or last date is specified in a notice issued by the District to complete the inspection or testing of any Backflow Prevention Device is not met, then District personnel are permitted to enter the customer's property to conduct that inspection and testing and to report the results to the District.

- (b) Any person failing to cause the inspection or testing of a Backflow Prevention Device by the deadline specified in a notice issued by the District or to allow access by District personnel for the purpose of conducting that inspection and testing are subject to having their water service discontinued or disconnected. In the event the disconnection of service is necessary for this purpose, the District shall have the power to disconnect the user from the water system of the District and to refuse to furnish water to the user until the required inspection, testing and reporting is completed. If disconnection from the District's water service is required for failure to conform to any provision of this Ordinance, including the failure to allow inspection testing or reporting of such inspection or testing of any Backflow Prevention Device to the District the District shall adhere to the procedures set forth in Article III – Enforcement, Section 303 – Disconnection.