

WATER ORDINANCE NO. 1
GARBERVILLE SANITARY DISTRICT

AN ORDINANCE ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER SERVICE.

Be it ordained by the Board of Directors of the Garberville Sanitary District, Humboldt County, California, as follows:

ARTICLE 1 - GENERAL RULES

Sec 1.1 Short Title. This ordinance shall be known and cited as “G.S.D. Water Code”.
Adopted 6/23/15

Sec 1.2 Words and Phrases. For the purpose of this ordinance, all words used herein shall be considered present and future as well as singular and plural.
Adopted 6/23/15

Sec 1.3 Water system. The District will furnish and operate a water system comprised of pumps, a water treatment facility, distribution system, easements, property buildings and equipment.
Adopted 6/23/15

Sec 1.4 Enforcement. If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec 1.5 Pressure Conditions. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

Sec 1.6 Maintenance of Water Pressure/Shutting Down for Emergency Repairs. The Board shall not accept any responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs due to natural disasters or other circumstances beyond the District’s control. Customers that are dependent upon a continuous supply should have independent emergency storage.

Sec 1.7 Tampering with District Property. No one except a district employee or representative of the Board with a district employee, shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of the Districts’ system, or interfere with meters or their connections, street mains, or other parts of the water system.

Sec 1.8 Penalty for Violation. For the failure of the customer to comply with all or any part of this ordinance, resolution or order fixing rates and charges of this District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued until they have complied with the rule or regulation, rate or charge which was violated. Adopted 6/23/15

Sec 1.9 Ruling Final. All rulings of the Board shall be final.

ARTICLE 2 – DEFINITIONS

Sec 2.1 Board - The Board of Directors of the District.

Sec 2.2 Connection - The pipeline and appurtenant facilities such as the curb stop, meter and meter box used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Sec 2.3 Cost - The cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

Sec 2.4 Cross-Connection - Exposure to drinking water contamination or pollution due to the backflow or back-siphon age of contaminants or pollutants through the water service connection, including sewerage.

Adopted 6/23/15

Sec 2.5 District - The Garberville Sanitary District.

Sec 2.6 Main - A water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of water.

Sec 2.7 Person - An individual or a company, association, co-partnership or public or private corporation.

Sec 2.8 Premises - A lot or parcel of real property, commercial buildings or apartments or multiple dwellings.

Adopted 6/23/15

Sec 2.9 Private Fire Protection Service - Water service and facilities for building sprinkler systems, hydrants, hose reels, and other facilities installed on private property for fire protection.

Sec 2.10 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.

Sec 2.11 Owner - The person 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 of buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian, or trustee of the owner.

Adopted 6/23/15

Sec 2.12 Regular Water Service - Water service for normal domestic, commercial and industrial facilities, and the water available for domestic use.

Adopted 6/23/15

Sec 2.13 Temporary Water Service - Water service and facilities rendered for construction work and other uses of limited duration established by the District per incident.

Sec 2.14 General Manager - The person appointed by the Board to administer and enforce the rules and regulations of the District.

Adopted 6/23/15

Sec 2.15 District Engineer - The Engineer employed and acting for the Board of Directors, under the direction of the General Manager and shall be a Registered Civil Engineer.

Adopted 6/23/15

Sec 2.16 Permit - Any written authorization required pursuant to this or any other regulation of the District for the installation of any water works.

Sec 2.17 Applicant - The person making application for a permit for a water installation and shall be the owner of premises, or his authorized agent, for which a permit is requested.

Sec 2.18 Contractor - Any individual, firm, corporation, partnership, or association duly licensed by the State of California to perform the type of work to be done under the permit.

Sec 2.19 Single Family Unit - Refers to the place of residence for a single family.

Sec 2.20 Multiple Dwelling - A building for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one person or families, including but not limited to the following: hotels, motels, mobile home parks, recreational vehicle parks, apartment houses, duplex, rooming houses, boarding houses, and dormitories.

Sec 2.21 Street - Any public highway, road, street, avenue, alleyway, public place, public easement, or right-of-way.

Sec 2.22 Additional Definitions - For the purposes of this ordinance, additional terms shall have the meaning indicated in Chapter 1 of the most recent edition of the "Uniform Plumbing Code" adopted by the International Association of Plumbing and Mechanical Officials.

ARTICLE 3 - NOTICES

Sec 3.1 Notice to Customers. Notice from the District to a customer will normally be given in writing, and either delivered or mailed to him/her at his/her last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

Sec 3.2 Correspondence from Customers. A customer or their authorized representative may present correspondence to the District Board of Directors or to the District Office.

ARTICLE 4 - APPLICATION FOR WATER SERVICE

Sec 4.1 Application. A property owner or his/her authorized agent **who provides authorization letter from owner** may make an application for Water Service. (See attached application form).
Adopted 7/28/15

Sec 4.2 Undertaking of Applicant. Such application will signify the customer's willingness and intention to comply with this and other ordinances or regulations relating to the water service and to make payment for water service.

Sec 4.3 Payment for Previous Service. An application will not be honored unless payment in full has been made for water service previously rendered to the applicant.

Sec 4.4 Installation Charges. New water service will require an application be filled out at the District office and a non-refundable connection fee of \$8,000 be paid before any water service is provided
Adopted 9/22/15

Sec 4.5 Installation of Service. Service installations will be made only to property within GSD boundaries. Adopted 8/25/15

Sec 4.6 Changes in Customer Equipment. Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application. Changes to existing services is also subject to but not limited to sections 2.6 and 4.4

Sec 4.7 Size and Location. The District reserves the right to determine the size of service connections and their locations with respect to the boundaries of the premises to be served.
Adopted 7/28/15

Sec 4.8 Curb Cock. Every service connection installed by the District shall be equipped with a curb cock on the inlet side of the meter. The curb cock is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb cock is damaged by the consumers use to an extent requiring replacement, such replacement shall be at the customer's expense.

Sec 4.9 Service Connection. It shall be unlawful to maintain a connection excepting in conformity with the following rules:

- a. Multiple service connections for single parcel are allowed under these conditions, if approved by General Manager or designee:
 1. Each building under separate ownership must be provided with a separate service connection and meter. Two or more buildings under same ownership and on the same lot or parcel may be supplied through the same service connection and meter if approved by the General Manager or designee.
 2. A master meter is installed at the property line.
 3. Metered service connections are provided for each sub unit or single family residence. Meters and valves will be supplied and remain property of GSD.
 4. Supply line from master meter to each of the units shall be installed and maintained by owner.
 5. Owner will be responsible for usage on master meter, determined by deducting each sub unit from master meter.
 6. Owner will be responsible for notifying the District of any changes to property or buildings at such time the General Manager or designee will inspect property for compliance of District service connection ordinances.
 7. Failure to notify the District when making improvements to the property or buildings may result in inspection costs and reimbursement of staff time, meters and construction expenses along with applicable connection fees.
- b. Different Owner. A service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley.
- c. Divided Property. When property with a service connection is divided, each parcel will have a separate service connection. Change to exiting services is also subject to but not limited to Sections 2.6 and 4.4.

Adopted 03/28/2017

Sec 4.10 Maintenance of Service Connections. The District will maintain the service line from the water main to the property line. This includes the meter, meter box, and curb stop. All pipes and fixtures extending or lying within the property line shall be installed and maintained by the owner of the property. Problems with pressure, line size etc., may be discussed with the Manager for better service by the District.

ARTICLE 5 - APPLICATION FOR REGULAR WATER SERVICE WHEN MAIN EXTENSION REQUIRED

Sec 5.1 Permit Required. An applicant for a permit to connect a building to a public water supply when the property upon which such building is situated does not abut a public water supply, shall pay all fees, connection charges and furnish bonds as required by this section.

1. In the case of any water extension needed by the District to provide a service connection or connections, a sum shall be advanced to the District based upon an estimate by bid of the total cost of all labor, materials, equipment and other costs incidental to the installation, plus fifteen (15%) for general overhead, including the cost of oversizing water mains for the general benefit of the developer and water distribution system. Upon completion of construction, the amount advanced shall be adjusted to the actual cost plus fifteen percent (15%) for general overhead.

2. Extension by Applicant. A fee of the amount deemed necessary by the District to pay all engineering inspection and other costs required to insure compliance with the terms, the permit and with the rules, regulations and ordinances of the District shall be paid to the District prior to the time the permit is issued, for reviewing plans and specifications, issuing a permit and inspecting the installation of public water extension, lateral and all appurtenances. If the fee fixed by the District is in excess of the actual cost to the District, any surplus over the cost shall be refunded to the person obtaining the permit. If the fee fixed by the District is less than the actual cost to the District, the person obtaining the permit shall be liable for the excess cost to the District. Prior to the issuance of a permit, the applicant shall furnish to the District a faithful performance bond or cash in the amount of the total estimated cost of work. A surety or sureties satisfactory shall secure said bond to the District. The cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

Sec 5.2 General. The District may provide all main extensions upon application for service, except as but not limited to sections 5.1,1 and 5.1,2.

Sec 5.3 Determination. If, in the opinion of the Board, the cost thereof is in excess of what it is prepared to advance or it questions the economic advantage to the District of making such advance, it shall determine the cost of such line.

Sec 5.4 Advance Cost. When the Board so determines, the applicant shall advance one half the estimated cost of the main across his street frontage, which frontage shall be not less than fifty (50) feet, provided this distance plus street intersections, if any, does not exceed one hundred (100) feet, the total cost must be deposited in advance of construction. For a corner lot, the street frontage shall be one half the sum of the total street frontage.

Sec 5.5 Reimbursement. Reimbursement to a sub divider, school district or other person for a portion of the cost of extending community waters pursuant to paragraph (1) of Section 5.1 of the Article will be as follows: Where the costs of the line extension has been paid by the original property owner, all future property owners hooking up to the extension will share equally in the cost of extending the line. This will be in effect for a maximum period of five (5) years after the date of such extension is originally connected.

Sec 5.6 Plans, Profiles and Specifications. The application for a permit for water construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the District prepared by a Registered Civil Engineer showing all details of the proposal work based on an accurate survey of the ground. The application, together with the plans, profiles, and specifications shall be examined by the District who shall approve them as filed or require them to be modified as deemed necessary for proper installation. After examination by the District, a permit shall be issued upon payment of all connection charges, fees and furnishing of bonds as required by the District. The permit shall prescribe such terms and conditions as the District finds necessary in the public interest.

Sec 5.7 Subdivisions. The requirements of Section 5.1 and 5.2 of these ordinances shall be fully complied with before the District shall approve any final subdivision map. The final subdivision map shall provide for the dedication for public use of all streets, easements or right of way in which community water lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing water to serve the tract is not completed within the time limit allowed in the permit, the District may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub divider. Specific information contained within Article 6.

Sec 5.8 Easements or Right of Ways. In the event that an easement is required for the extension of the public water or the making of connections, the applicant shall procure and have accepted by the District proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection.

Sec 5.9 Persons authorized to Perform Work. Only properly licensed contractors shall be authorized to perform the work of community water construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this Section shall apply to water lines installed concurrently with Public water construction.

Sec 5.10 Grade Stakes. A Registered Civil Engineer or Licensed Land Surveyor shall set grade and line stakes prior to the start of work on any public water construction. The contractor shall be responsible for accurately transferring grade to water invert.

Sec 5.11 Compliance with Local Regulations. Any persons constructing a water line within a street shall comply with all State and County laws, ordinances, rules and regulations. They shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Sec 5.12 Protection of Excavation. The applicant shall maintain such barriers, lights and signs as necessary to give warning to the public at all times that a water line is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the sidewalks against any such conditions in connection with the construction of the water. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in manner satisfactory to the District and any other person or agency having jurisdiction there over.

Sec 5.13 Design and Construction Standards. Minimum standards for the design and construction of water lines within the District shall be in accordance with the applicable provisions of the ordinances, rules and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the District. The District may permit modifications or may require higher standards where unusual conditions are encountered. “As-built” drawings showing the actual location of all mains, structures, valves and laterals shall be filed with the District before final acceptance of the work.

Sec 5.14 Completion of Water Required. Before any acceptance of any water line by the District and prior to the admission of any water from the District, the water line shall be tested and shall be completed in full compliance with all requirements of the accepted specifications and to the satisfaction of the District.

ARTICLE 6 - SUBDIVISIONS

Sec 6.1 Application. A person desiring to provide a water system within a tract of land that he proposes to subdivide shall make written application therefor.

Sec 6.2 Subdivision Identification. The application shall state the number of the tract, the name of the subdivision, and its location. It shall be accompanied by approved final subdivision map, and the plans, profiles, and specifications for the street work therein.

Sec 6.3 Investigation. Upon receiving the application, the Manager and/or District Engineer shall make an investigation and survey of the proposed subdivision and shall report his findings to the Board, including a recommendation as to the facilities required and the estimated cost of the proposed water system therefor.

Sec 6.4 Subdivision, Tracts, or Housing Project Deposit. Sub dividers shall advance to the District 110% if constructed by the District or 10 % if constructed by the sub divider for the cost of the labor and materials necessary for constructing main lines to be laid within the subdivision plus fire hydrants and appurtenances. Fire hydrants shall be so located that each lot is within 500 feet of a hydrant.

Sec 6.5 Specification and Construction. The size, type, and quality of materials and location of the lines shall be specified by the current adopted Uniform Plumbing Code and the actual construction will be done by the District or by a contractor acceptable to it, in either of which events it shall be inspected and accepted by the District. Acceptance shall not relieve the owner from repairing defects that are identified during the year guarantee period following acceptance.

Sec 6.6 Adjustment. Adjustments of any substantial difference between the estimated and actual number of feet of line installed shall be made at or before the completion of the installation, any excess shall be refunded to the sub divider and any shortage will be paid by him to the District.

Sec 6.7 Property of District. All facilities shall be the property of the District and the total amount of credits and refunds shall not exceed the original deposit.

Sec 6.8 Connection. The sub divider shall, at his cost, provide all connections to each parcel or building constructed by him as herein provided.

ARTICLE 7 - GENERAL USE REGULATIONS

Sec 7.1 Water Waste. No customer shall knowingly permit leaks. Where water is wastefully or negligently used on customer premises seriously affecting the general service, the District may discontinue the service if such conditions are not corrected within five (5) business days after giving the customer written notice.

Sec 7.2 Responsibility for Equipment on Customer Premises. All facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, replaced, or repaired by the District without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities.

Sec 7.3 Damage to Water System Facilities. The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Sec 7.4 Ground-Wire Attachments. All individuals or business organizations are forbidden to attach any ground-wire or wires to any plumbing that is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

Sec 7.5 Control Valve on the Customers Property. The customer shall 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 his premises. The customer shall not use the service curb stop to turn water on and off for his convenience.

Sec 7.6 Cross-Connection.

1. **Purpose:**

The purpose of this ordinance is to protect the public water supply system from contamination due to potential and actual cross-connections. This shall be accomplished by complying with State regulations adapted pursuant to Title 17, Section 7583 – 7605, inclusive of the California Code of Regulations, entitled “California Regulations to Drinking Water”. Chapter 5, Subchapter 1, Group 4.

2. Responsibility:

The General Manager or designee shall be responsible for implementing and enforcing the cross-connection program. An appropriate backflow prevention assembly shall be installed by and at the expense of the water user at each connection where required to prevent backflow from the water user's, premises to the domestic water system. It shall be the water user's responsibility to comply with Garberville Sanitary District requirements.

3. Requirements:

The type of protection that shall be provided to prevent backflow into the public water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the water user's premises. Unprotected cross-connections with the public water supply are prohibited. The type of backflow prevention assembly that may be required (listed in decreasing level of protection) includes: Air-gap separation (AG), Reduced Pressure Principle Backflow Prevention Assembly (RP), and a Double Check Valve Assembly (DC). The water users may choose a higher level of protection than required by the water supplier but must be approved by Garberville Sanitary District and be adequate to meet or exceed the requirements stated in the Hazard section of State Code 7604, Title 17.

Adopted 3/22/16

Sec 7.7 Special Cases. In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow preventive devices.

Sec 7.8 Relief Valves. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him/her at his/her expense when check valve or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

Sec 7.9 Back Flow Protection.

1. Description: "Cross Connection" is an unprotected actual or potential connection between a potable water system (GSD) used to supply water for drinking purposes and any source containing unapproved water or substance that is not or cannot be approved as safe, wholesome and potable. By-pass arrangements, jumper connections, removable sections, swivel, or changeover devices, through which a backflow could occur, shall be considered cross-connections.

2. Responsibility and Scope:

a. The cross-connection program will be administered by the General Manager or designee. The Garberville Sanitary District will maintain a list of approved backflow prevention assembly testers. Garberville Sanitary District will conduct studies to determine the Potential hazards and the water quality associated with backflow Prevention assemblies. The water user will be notified when an assembly needs to be tested and this notification will include a date by which the test must be completed.

3. Water User's Responsibility:
 - a. The water user is responsible for installation, testing and repair of cross-connection devices, when such devices are deemed necessary by the District or State Department of Health.
 - b. To advise the District of any and all conditions which may require cross-connection protection, including, but not limited to:
 1. Handling of chemicals that could contaminate the District's water system.
 2. Operation of a fire protection system that is or can be connected to the water system.
 3. Irrigation systems in which chemicals or unapproved water may be introduced.
 4. Any unapproved water source on the premises.
 5. Use of reclaimed water on the premises. Pumping of hazardous materials
4. Backflow Prevention Assemblies:
 - a. Only backflow prevention assemblies which have been approved by Garberville Sanitary District shall be acceptable for installation by a water user. A list of approved backflow prevention assemblies will be provided upon request to any affected customer. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, title 17. Location of the assemblies shall be as close as practical to user's connection. The Garberville Sanitary District shall have final authority in determining the required location of a backflow prevention assembly.
 - b. Testing of backflow assemblies shall be conducted only by certified testers and testing will be responsibility of water user. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. More frequent testing may be required if deemed necessary by the Garberville Sanitary District. No assembly shall be placed back in service unless it is functioning as required. These assemblies shall be serviced, overhauled or replaced whenever they are found to be defective all costs of testing, repairs and maintenance shall be borne by the water user. Approval must be obtained from the Garberville Sanitary District prior to removing, relocating or replacing a backflow prevention assembly.
 - c. Water service termination will occur when there is a clear and immediate hazard to the potable water supply that cannot be immediately abated. Conditions that would require immediate water termination but are not limited to only these conditions are:
 1. Refusal to install or test a backflow prevention assembly, or to repair or replace a faulty backflow assembly.
 2. Direct or indirect connection between the public water system and a sewer line.
 3. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.

4. Notification will be given when termination of water service is required and water service will be denied until the backflow prevention assembly is working correctly, approved by certified tester and Garberville Sanitary District. The water user will be required to pay for any GSD staff time and for the certified tester before water service continues.

5. Governing Regulations:

Title 17. California Public Health and Safety Code.

Adopted 3/22/2016

Sec 7.10 Discontinued Service. The District may immediately discontinue the service of water to any premises if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

Sec 7.11 Interruptions in Service. The District shall not be liable for damage that may result from an interruption in service from a cause beyond the control of the District.

Sec 7.12 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 connected with the furnishing of water services.

ARTICLE 8 - METERS

Sec 8.1 Change in Location of Meters. Meters 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 its expense.

Sec 8.2 Non-Registering Meters. If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the District and its decision shall be final.

Sec 8.3 Access to Meters. Customers are required to keep meter boxes accessible. All landscaping or other forms of vegetation is to be kept away from meter box so as not to restrict access. It is the responsibility of the customer to maintain the area of their property in which this equipment is placed.

ARTICLE 9 - BILLING

Sec 9.1 Billing Period. The regular billing period will be monthly.

Sec 9.2 Meter Reading. Meters will be read as nearly as possible on the same day of each month.

Sec 9.3 Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be prorated as to quantity used.

Sec 9.4 Water Charges. Water charges are calculated and billed on the 1st of each month and are considered delinquent after the 25th of each month.
Adopted 11/24/15

Sec 9.5 Payment of Bills. Bills are due and payable by 4:30 P.M. on the 25th of each month and if not paid a \$15 late charge will be applied.

- a. Customer Bills:
Bills will be mailed by the first of each month.
- b. Late Payments Procedure:
Bills past due – Courtesy Call
35 days past due – Shut off notice – Hand delivered to service address.
7 days after shut off notice is delivered – Water will be turned off. Owner will be notified. There will be a \$100 reconnection fee due, prior to water reconnected.
60 days past due – Lien on building/property – Small claims
120 days past due – Turn over to collection agency.
- c. Adjustments to bills – Payment Plans:
The General Manager or designee will be the only person authorized to make adjustments to a bill or enter into a payment plan.
- d. NSF (non-sufficient funds) from any payment source will require the customer pay all bank charges and a \$35 handling fee.
- e. Upon 2 NSF (non-sufficient funds), within a 12-month period automatic payment will be denied until an agreement can be reached with the General Manager or designee.
- f. Tampering with water meters or turning meters on after being turned off for non-payment may result in a customer fine of \$200 and a reconnection fee of \$100 which must be paid with all outstanding service charges before water will be turned on unless an agreement is made with the General Manager or Designee.
- g. Service Charge Discount may be available for any customer that verifies they are over the age of 62 and have a combined income of less than \$24,000 annually. Customers who qualify may receive a \$15 credit which can be used to decrease their monthly service charge. Any service credit will require (10) units (7,500 gallons) in a given month, the service charge discount will be voided for that month.

Adopted 10/23/2018

Sec 9.6 Billing of Separate Meters. Separate bills will be rendered for each meter installation.

Sec 9.7 Customer's Guarantee. The water charge begins when a service connection is installed and the meter is set. The property owner must sign the customer service agreement form prior to being connected. This agreement guarantees that the owner is responsible for their property and for all unpaid service charges.

- a. Customers are required to place a deposit of \$100, refundable or applied to account after 2 years of good payment history.

- b. Owner will be responsible for any unpaid charges. Account must be current before customer's account can be established.
- c. Failure to receive a bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the District and any person, firm, or corporation failing, neglecting, or refusing to pay said indebtedness shall be liable to an action in the name of the District in any court of competent jurisdiction for the amount.

Adopted 4/24/2018

Sec 9.8 Water Used Without Application Being Made. A person taking possession of premises and using water from an active service connection without having made application to the District for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

Sec 9.9 Damages Through Leaking Pipes and Fixtures. When turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building and if such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Board's jurisdiction and responsibility ends at the property line and the Board will in no case be liable for damages occasioned by water running from open or faulty fixtures or from broken or damaged pipes inside the property line.

Sec 9.10 Damages to Meters. The Board reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable; however, for any damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises.

ARTICLE 10 - DISCONTINUANCE OF SERVICE

Sec 10.1 Disconnection for Non-Payment. Service may be discontinued for non-payment of bills after (30) days late.

Adopted 06/27/2017

Sec 10.2 Reconnection Charge. A nonrefundable reconnection charge of \$100 will be made and collected prior to renewing service following disconnection.

Adopted 06/27/2017

Sec 10.3 Unsafe Apparatus. Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service of other customers.

Sec 10.4 Cross-Connection. Water service may be refused or discontinued to any premises where exists a cross-connection in violation of State or Federal laws.

Sec 10.5 Fraud or Abuse. Service may be discontinued if necessary to protect the District against fraud or abuse.

Sec 10.6 Non-Compliance with Regulations. Service may be discontinued for non-compliance with this or any other ordinance or regulation relating to the water service.

Sec 10.7 Upon Vacating Premises. Customers desiring to discontinue service shall notify the District two (2) or more days prior to the date of disconnect. Customers who fail to notify the District as provided in this section shall be liable for regular water service charges whether or not any water is used.

Sec 10.8 Abandonment Charge. Any person abandons service to a building from the District's water system or to abandon service to a property, shall pay to the District an Abandonment Charge. When no abandonment fee is received by the District, legal action may be taken to collect the abandonment fee. If the fee is not received from the renter, the property owner will be responsible for payment and service charges, including late fees and if payment is not received from the owner, all charges will be paid by the new owner along with a new connection fee before service will be provided.

The Abandonment Charge shall consist of:

- a. All costs incurred by the District in disconnecting the system at the property line and plugging and sealing the line, including the cost of surveying, if any, and
- b. The sum of five hundred dollars (\$500.00), to recover District costs.
- c. Owner must fill out the District Discontinuance application. (Appendix A)
 1. Item (b) of the Abandonment Charge shall not apply to any person who desires to disconnect a building from the District's Water or Sewer system but who intends to keep other buildings on the property connected to the system or to disconnect from one building while connecting to another on the same property.

Adopted 12/18/2018

Sec 10.9 Annual Fee for Discontinuance of Service. Any person requesting discontinuance of service will pay an annual fee of \$500 to keep service active and not be charged a re-connection fee when service continues. A new connection fee will be required before service is reinstated if discontinuance exceeds two years.

- a. Any person requesting discontinued service is required to fill out the District discontinued service application and be responsible for any associated costs, including service charges and associated fees along with a nonrefundable \$500 discontinued service fee.
- b. When a discontinued service wants reconnection and has not paid the annual \$500 inactive service fee, they will be required to pay current connection fees prior to service.
- c. An extension beyond two years will only be granted if approved by the General Manager or designee.

Adopted 4/26/16

Sec 10.10 Water Ordinance Safe Harbor. The District is electing to utilize Section 1.263(a)-1(f) de minimis safe harbor election, with a threshold of \$2500 per invoice or individual item, in accordance with Internal Revenue Service in Notice 2015-82 and all items in excess of this threshold will be booked as capital assets and will be depreciated in accordance with District policy and Appendix B of Publication 946. This election is effective as of July 1, 2017. TION 1.263(A)-1(F) DE MINIMIS SAFE HARBOR ELECTION
Adopted 11/28/2017

ARTICLE 11 - COLLECTION BY SUIT

Sec 11.1 Suit. Unpaid rates, charges and penalties herein provided may be collected by suit after 60 days of non-payment from billing date if all notifications and legal requirements have been met.

Adopted 2/23/16

Sec 11.2 Costs. Defendant shall pay costs in any judgment rendered in favor of the District.

ARTICLE 12 - PUBLIC FIRE PROTECTION

Sec 12.1 Use of Fire Hydrants. Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the General Manager or designee prior to use and shall operate the hydrant in accordance with instructions issued by the District.

- a. Unless previously agreed, water taken from a fire hydrant will be metered, monitored and billed at the bulk water rate in Article 14, Section 14.3
- b. Applications and contract will be available at the GSD office
- c. A \$10,000 fine may be charged for every unauthorized use of a fire hydrant

Adopted 5/24/16

Sec. 12.2 Moving of Fire Hydrants. A fire hydrant may be moved only if approved by the General Manager or designee, with direction from the local fire department. Any costs incurred for moving a fire hydrant will be at the expense of the petitioner and only upon District approval.

Adopted 6/28/16

Sec. 12.3 Installation of Fire Hydrants. When it is determined by Garberville Sanitary District that a fire hydrant is required at a specific location, the General Manager or designee will coordinate with the local fire department to determine what type of hydrant shall be installed. It will be the responsibility of Garberville Sanitary District to purchase and install all fire hydrants within District boundaries unless it has been determined that the hydrant is the responsibility of the fire department or property owner.

Adopted 8/23/16

ARTICLE 13 - PRIVATE FIRE PROTECTION SERVICE

Sec 13.1 Payment of Cost. The applicant for private fire protection service shall pay the total cost of installation of the service from the distribution main to the customer's premises, including the cost of a detector check meter or other suitable and equivalent device, valve, and meter box, said installation to become the property of the District. The District may agree to install the connection and meter at cost plus ten percent (10%).

Sec 13.2 No Connection to Other System. There shall be no connections between this fire protection system and any other water distribution system on the premises.

Sec 13.3 Use. There shall be no water used through the fire protection service except to extinguish fires and for testing the firefighting equipment.

Sec 13.4 Meter Rates. Any consumption recorded on the meter will be charged for at double the regular service rate except that no charge will be made for water used to extinguish fires where such fires have been reported to the fire department.

Sec 13.5 Monthly Rates. The District Board upon receipt of application shall establish the monthly rates for private fire protection.

Sec 13.6 Violation of Agreement. If water is used from a private fire service in violation of the agreement or of these regulations, the District may, at its option, discontinue and remove the service.

Sec 13.7 Water Pressure and Supply. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

Sec 13.8 Rules. The following rules shall apply to fire service connections:

1. **Cross Connection.** Proper back flow device must be installed for each private fire protection system.
2. **Valve.** When a fire service connection is installed, the valve governing it will be closed and LOCKED and remain so until a written order is received from the owner of the premises to have the water turned on.
3. **Meter.** If the District does not require a meter and if the water is used through a fire service connection for any other purpose than extinguishing of fires, it shall have the right to place a meter on the fire service connection and at the owner's expense or shut off the entire water supply from such premises.

ARTICLE 14 - GENERAL PROVISIONS

Sec 14.1 Pools and Tanks. When an abnormally large quantity of water is desired for filling a swimming pool or other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced thereby. A copy of procedures will be given along with permission.

Sec 14.2 Responsibility for Equipment. The customer shall, at his own risk and expense, furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or their negligence or wrongful act of the customer or of any of the customers tenants, agents, employees, contractors, licensees or permittees installing, maintaining, operating, or interfering with such equipment. The District shall not be responsible for damage to property caused by faucets, valves, and other equipment that are open when water is turned on at the meter, either originally or when turned on after temporary shutdown.

Sec 14.3 Bulk Water. A Bulk Water Sales Application must be completed and payment made prior to any bulk water sales for **new customers**. Those customers who have established a good payment history may be exempted and billed at the end of the month. If damage occurs to District owned property the person or company that is using district property will be charged the cost of repairs. Bulk water sales are from **9:00 AM to 3:00PM M-F** unless special arrangements are requested in advance. Persons or Companies that wish to purchase and haul large quantities of water must have an approved backflow prevention device or an air gap between the fire hydrant and storage tank. The Manager or Field Operator will inspect all vehicles prior to any connection to the distribution system. After the inspection has been performed and noted on the application form, water may be drafted from the distribution system at a designated fire hydrant.

Sec 14.4 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 this provision as applied to his premises. If such application were approved, the Board may, by resolution, suspend or modify the provision 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.

ARTICLE 15 - RATES AND FEES

Rates and Fees are set by the board of Directors by Resolution and will become effective 30 days after adoption of the resolution.

Sec 15.1 Connection Fee:

Sec 15.2 Monthly Quantity Charges.

Sec 15.3 System Expansion Fee.

Sec 15.4 Reconnection Charge.

Sec 15.5 Deposits.

Sec. 15.6 Late Fees.

Sec 15.6 Bulk Water Rates.

Sec 15.7 Pool Fill.

Sec 15.8 Nonprofit Irrigation Rate. Nonprofit organizations whose sole use of water is irrigating playing fields used primarily for youth athletic activities may apply for an irrigation only water rate.

Sec 15.9 Commercial Agricultural Water Use.

1. Commercial Agricultural Water Use Requirements

- a. Any person requesting treated potable water for a commercial agricultural business will be required to submit an application at the District office. This application will include the agricultural product, the operational plan, a site map, any permit required by the County and a \$150 handling and inspection fee. This application will be renewed annually, or commercial agricultural water use will be denied.
- b. This application will include the name and contact information of the owner and tenant of the property as well as the address of property and estimated gallons of water to be used monthly.
- c. A GSD new and separate approved water meter and a connection fee will be required for ever approved new commercial agricultural business or farm and all approved applicants will pay an additional base rate and water usage fee.
- d. In the event that Garberville Sanitary District faces drought conditions, infrastructure deficiencies or limitation on the approved diversion rate, the agricultural water will be turned off, to ensure adequate water for residential use and human consumption.
- e. All commercial agricultural operations which request water will have their property inspected by the General Manager or designee, at which time the infrastructure will be evaluated to ensure that it is capable of handling the increased water volume.
- f. In the event the infrastructure is not adequate for the increased volume of water, an agreement will be made with the commercial agricultural business to upgrade the infrastructure or work with the District to do so before the application will be approved.
- g. When an infrastructure upgrade is required but the commercial agricultural business will not pay for or participate in upgrading the infrastructure, the application will be denied. Any commercial agricultural business will be required to comply with all requirements listed below.
- h. Commercial Agricultural customers will be required to show a water catchment plan that collects water during the winter months while preparing for high demand summer months.
- i. A reconciliation report will be required annually to compare projections with actual water use and efficiency.

j. REASON FOR DENIED WATER SERVICE

1. Negative impact to neighbors
2. Excessive pedestrian or vehicle traffic based on site visits and complaints.
3. Excessive signage
4. Excessive noise as determined by the District and complains.
5. Excessive lights, glare, or brightness.
6. Negative smells determined by District and complaints
7. Negative impact to fire suppression capabilities.
8. Inadequate water supply
9. Violation of State diversion and permit limits.

Noncompliance with any of these requirements or from excessive complaints will result in your application being denied.

Adopted 01/23/2018

ARTICLE 16 - TIME OF TAKING EFFECT

Sec 16.1. This Ordinance shall take effect immediately on passage of resolution and prior Ordinances are hereby repealed or revised.

Chairperson of the Board of Directors

Date

Garberville Sanitary District
Humboldt County, California