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ORDINANCE NO. 08-04-01  
AMENDING AND RESTATING

ORDINANCE NO. 88-04-01

ESTABLISHING RULES AND REGULATIONS  
FOR WATER SERVICE BY  
PAJARO/SUNNY MESA COMMUNITY SERVICES DISTRICT

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ORDINANCE NO. 88-04-01

ESTABLISHING RULES AND REGULATIONS  
FOR WATER SERVICE BY  
PAJARO/SUNNY MESA COMMUNITY SERVICES DISTRICT

BE IT ORDAINED by the Board of Directors of PAJARO/SUNNY MESA COMMUNITY SERVICES DISTRICT, Monterey County, California, that Ordinance 88-4-1 is hereby amended and restated as follows:

ARTICLE 1 DEFINITIONS

For the purpose of this Ordinance, the terms used herein are defined as follows:

- Sec. 1-1 Applicant is the person making application for a regular water service and shall be the Owner or his duly authorized agent.
- Sec. 1-2 Board is the Board of Directors of the District.
- Sec. 1-3 Building is any structure used for human habitation or a place of business, recreation or other purpose containing water facilities.
- Sec. 1-4 Contractor is an 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 and shall be the owner or his agent.
- Sec. 1-5 Cost means the cost of labor, material, transportation, supervision, engineering and all other necessary overhead expenses.
- Sec. 1-6 County is the County of Monterey.
- Sec. 1-7 Cross-Connection means any physical connection between the piping system from the District service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the District distribution mains.
- Sec. 1-8 Distribution Mains means water lines in streets, highways, alleys and easements used for public and private fire protection or for general distribution of water for irrigation, industrial and municipal purposes.



- Sec. 1-9      District means Pajaro/Sunny Mesa Community Services District.
- Sec. 1-10     District Inspector is the Inspector acting for the district and may be a member of the Board, the General Manager, the District Engineer or Inspector employed by the District
- Sec. 1-11     Engineer is the Engineer appointed by and acting for the Board, and shall be a Registered Civil Engineer.
- Sec. 1-12     Owner means the person owing the fee or the person in whose name the legal title to the property appears, by deeds duly recorded in the County Recorder's Office or the person in possession of the property or Buildings under claim of, or exercising acts of ownership over same, or as Executor, administrator, guardian or trustee of the owner.
- Sec. 1-13     Permit is any written authorization required pursuant to this or any other rule, regulation or ordinance of District for the installation of any waterworks.
- Sec. 1-14     Person is any human being, firm, company, partnership, association, and private, public or municipal corporation, the United States of America, the State of California, districts and all political subdivisions, governmental agencies, and mandataries thereof.
- Sec. 1-15     Premises means a lot or parcel of real property under one ownership, except that any separate structure under one roof shall be deemed separate premises. Apartment houses, motels, office buildings and structures of like nature, and recreational vehicle parks, may be classified as single premises.
- Sec. 1-16     Private Fire Protection Service means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore.
- Sec. 1-17     Public Fire Protection Service means the service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.
- Sec. 1-18     Rate Schedule or District Rate Schedule shall mean that schedule of rates and charges as established pursuant to Article 19 hereof.
- Sec. 1-19     Regular Water Service means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis; for agricultural purposes as permitted by the District; and the water available therefore.

- Sec. 1-20 Service or Service Connection means the pipe line and appurtenant facilities such as the curb stop, meter, and meter box, if any, all used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.
- Sec. 1-21 Street is any public highway, road, street, avenue, alley way, easement, or right-of-way.
- Sec. 1-22 Temporary Water Service means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.
- Sec. 1-23 District means the Board of Directors of the District performing functions relating to the District water service, together with the General Manager, the Water Superintendent, the Billing Clerk, and other duly authorized representatives.

## ARTICLE 2 GENERAL PROVISIONS

### Sec. 2-1 Rules and Regulations

The following rules and regulations respecting water construction and provision of water and connection to the water supply, storage and distribution facilities of District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

### Sec. 2-2 Purpose

These Rules and Regulations are intended to provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in water facilities and water service connections installed, altered or repaired after the effective date of Ordinance 88-4-1. They shall not apply to construction completed before the effective date of Ordinance 88-4-01 and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

### Sec. 2-3 Short Title

This Ordinance shall be known and may be cited as "Pajaro/Sunny Mesa Community Services District Water Ordinance".

### Sec. 2-4 Words and Phrases

For the purpose of these Rules and Regulations, all words used herein in the present tense shall include the future; all words used in the plural number shall include the singular number and all words in the singular number shall include the plural number; and all words used in the masculine gender shall include the feminine gender.

### Sec. 2-5 Water System

The District will own and furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and distributing water for public and private uses, including all parts of said system, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment. The District will furnish water service only to areas within the exterior boundaries thereof, except for those "exterior water systems" acquired by the District within the North Monterey County Area Plan and North County Local Coastal Plan area to remedy public health issues or by court order which are outside the District boundaries.

### Sec. 2-6 Pressure Condition

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

- Sec. 2-7 Maintenance of Water Pressure and 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, etc. Consumers dependent upon a continuous supply should provide emergency storage.
- Sec. 2-8 Tampering with District Property  
No one except an employee or representative of the Board shall at any time in any manner operate the curb cocks or valves, main cocks, gates, or valves of the District's water system, or interfere with meters or their connections, street mains or other parts of the water system.
- Sec. 2-9 Penalty for Violation  
For the failure of the customer to comply with all or any part of this Ordinance and any 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 and the water shall not be supplied such customer until he shall have complied with the rule or regulations, rate or change which he has violated, or in the event that he cannot comply with said rule or regulations until he shall have satisfied the District that in the future he will comply with all the rules and regulations established by the District and with all rates and charges of this District. In addition thereto, he shall pay the District a re-connection fee as specified for renewal of his service.
- Sec. 2-10 Ruling Final  
All rulings of the Board shall be final. All rulings of the General Manager shall be final unless appealed in writing to the Board within five (5) days. When appealed, the Board's ruling shall be final.
- Sec. 2-11 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 their premises, that person 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.
- Sec. 2-12 Relief on Own Motion  
The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation 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.

Sec. 2-13

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. If such is found to be 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 damage occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

Sec. 2-14

Separability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance 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 provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

## ARTICLE 3 FISCAL POLICY

### Sec. 3-1 Operating Fund

There shall be an Operating Fund for said District maintained in the name of said District in a federally insured depository under agreement for the active deposit of funds under and subject to the provisions of an act of the Legislature of the State of California Statutes 1933, Chapter 189, known as the "County Funds Deposit Act," executed by the General Manager or such other depository as authorized by Community Services District Law. The District may maintain separate accounts for individual water systems within its boundaries. The District shall be allowed to charge different water rates and charges for separate systems within the District's boundaries, based upon differential costs and expenses of operating said separate systems.

### Sec. 3-2 Credits

The following moneys shall be credited to said Operating Fund:

- (a) All moneys received for advances for construction, payment of service, installation charges, water charges, and penalties as set by the Board;
- (b) All moneys received from customers in payment of and/or as deposits against the cost of water meters and/or supplies therefore;
- (c) All Money received from customers as deposits as prepayment of water charges.

### Sec. 3-3 Debits

The following moneys and expenses shall be debited against said Operating Fund:

- (a) All expenses of the administration and government of said District and for use, operation, and extension of the waterworks and water supply of said District.

## ARTICLE 4 DISTRICT

### Sec.4-1 Creation

A District is hereby created comprising the General Manager, Water Superintendent, District Inspector, District Engineer, and /or Office Manager and Billing Clerk. The same person may be appointed to any or all of said positions. In the event only the General Manager is appointed, he shall be deemed to be appointed to all of said positions until the Board specifically provides otherwise. They shall be appointed to serve at the pleasure of the Board.

### Sec. 4-2 General Manager

The General Manager shall have full charge and control of the maintenance, operation and construction of the waterworks and system. The General Manager shall prescribe the duties of employees and assistants. The General Manager shall have charge of all employees and assistants. The General Manager shall perform such other duties as are imposed from time to time by the Board, and shall report to the Board in accordance with the rules and regulations adopted by said Board.

### Sec. 4-3 Secretary – Duties

The Secretary shall perform the duties of the General Manager in his absence, and other duties assigned to the Secretary by the Board.

### Sec. 4-4 Water Superintendent – Duties

The Water Superintendent shall regularly inspect all physical facilities related to the District's Water system, to see that they are in good repair and proper working order, and to note violations of any water regulations, and report any violation or disrepair to the General Manager. If the work required is in the nature of an emergency, the Water Superintendent shall take whatever steps are necessary to maintain service to consumers pending action by the Board.

### Sec. 4-5 Engineer, Inspector or Water Superintendent – Supervision

The Engineer, Inspector, or Water Superintendent shall supervise all repair or construction work authorized by the Board, and perform any other duties prescribed elsewhere in this Ordinance or which shall be hereafter prescribed by the Board.

### Sec. 4-6 Office Manager

The position of Office Manager is hereby created. The Office Manager shall have charge of the office of the District and of the billing for and collection of the charges herein provided. The Office Manager shall perform such other duties as shall be determined by the Board and may be the Secretary of the District.

Sec. 4-7 ID – Duties

The Office Manager shall compute prepare and mail bills as hereinafter described, make and deposit collections, maintain proper books of account, collect, account for, and refund deposits, do whatever else is necessary or directed by the District Auditor to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Board.

Sec. 4-8 Performance of Duties

The foregoing duties of Engineer, Inspector, Water Superintendent and Office Manager may be performed by existing District personnel or by additional employees or consultants.

Sec. 4-9 Compensation

The General Manager, Engineer, Inspector, Water Superintendent and Office Manager shall receive such compensation as is prescribed by the Board.



## ARTICLE 5 NOTICES

### Sec. 5-1 Notices to Customers

Notices from the District to a water customer will normally be given in writing, and either delivered or mailed to said customer at the last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

### Sec. 5-2 Notices from Customers

Notice from the customer to the District must be given by the customer or the customer's authorized representative in writing, (1) at the District's operating office, (2) to the General Manager of the District, or (3) to an officer or agent duly authorized by the Board to receive notices or complaints.

## ARTICLE 6    STANDARD DISTRICT SPECIFICATIONS

### Sec. 6-1    Design and Construction Standards

Minimum standards for the design and construction of water facilities within the District shall be accordance with the applicable provisions of the ordinances, rules and regulations, and with the STANDARD DISTRICT SPECIFICATIONS heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District or the District Engineer may permit modifications or may require higher standards where unusual conditions are encountered.

Two (2) complete sets of "As-Built" drawings showing the actual location of all mains, valves, fire hydrants, house services, meters and appurtenances, shall be filed with the District before final acceptance of the work.

**ARTICLE 7 APPLICATION FOR REGULAR WATER SERVICE – WHERE NO MAIN EXTENSION IS REQUIRED**

**Sec. 7-1 Application for Water Service**

Applications for regular water service, where no main extension is required, shall be made upon a form provided by the District. See Rate Schedule for Application Charge.

**Sec. 7-2 Undertaking of Applicant**

Such application shall signify the applicant's willingness and intention to comply with this Ordinance and other ordinance or regulations relating to the regular water service and to make payment for water service required.

**Sec. 7-3 Payment for Previous Service**

An application shall not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

**Sec. 7-4 Installation of Services**

Regular water services shall be installed of the size and location determined by the District. Service installations will be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements, at the convenience of the District. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location.

**Sec. 7-5 Service Connections**

Service connections will be installed in accordance with the applicable provisions of Article 11.

**ARTICLE 8 APPLICATION FOR REGULAR WATER SERVICE WHEN  
MAIN EXTENSION REQUIRED**

**Sec. 8-1 Application for Main Extension**

The following rules are established for making main extensions:

**(a) Application**

Any owner of one or more lots or parcels or sub-divider of a tract of land desiring the extension of one or more water mains and water system improvements to serve such property shall make a written application therefore to the District, said application to contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the District, and be accompanied by a map showing the location of the proposed connections.

**(b) Investigation**

Upon receipt of the application, the General Manager shall make an investigation and survey of the proposed extension and shall submit his opinion and the estimated cost thereof to the Board.

**(c) Ruling**

The Board shall thereupon consider such application and report, and after such consideration, reject or approve it.

**(d) District Lines**

All extensions thus provided for, in accordance with these regulations, shall be and remain the property of the District.

**(e) Dead-End Lines**

No dead-end lines shall be permitted, except at the discretion of the General Manager, and in cases where circulation lines are necessary, they shall be designed and installed by the District as a part of the cost of the extension.

**(f) Extend and Design**

All main extensions and water system improvements shall extend to the far property line of developed property. If additional property is developed on the same lot after installation of a main extension, the main extension shall be extended to the far property line of the additionally developed property. All water system improvements and main extensions shall be subject to design approval by the District Engineer, General Manager and the Board.

**Sec. 8-2 General**

The District will provide the water system improvement, and the main extensions upon application for service at the sole cost of applicant.

**Sec. 8-3 Determination**

The estimated cost is to be determined by the Engineer.

Sec. 8-4     Advance Cost

The estimated cost shall be deposited with District prior to construction. If the amount of the advance deposit exceeds the actual cost of construction, engineering, legal, inspection, and other charges attributable to the extension, the balance shall be refunded to the property owner. If the amount of the deposit is insufficient to pay all the costs of construction, engineering, legal, inspection and other charges attributable to the extension, the property owner shall pay all such costs to the District prior to the acceptance of the extension by the District.

Sec. 8-5     Service Connections

Service connections will be installed in accordance with applicable provisions of Article 11.

Sec. 8-6     Refund Agreement

Refunds will be made to the property owner or owners who have paid for an extension as follows:

Where the cost of the extension has been deposited or paid for as set forth in Article 8, the District shall thereafter, but not for longer than five (5) years after the date such extension is originally connected to the District's water system, collect from any water user connecting to such main extension, that fraction of the cost contributed for such extension, as approved by the District, as one-half (1/2) the number of lineal feet of property owned by such water user along said extension bears to the total number of lineal feet of property held by potential water users along such extension as determined by the District at the time such extension is connected to the District's water system.

Such sums as are thus received by the District shall be paid by the District only to the property owner or owners who originally advanced funds toward the cost of such extension. Where different property owner contributed toward the making of the extension, such sums shall be refunded to such property owners or their successors in interest pro-rata according to the amounts which they severally contributed toward the cost of the extension. The District shall in no way be obligated to assure that the property owner or owners making such extension are paid the total or any costs thereof nor to initiate any action or incur any expense to collect any sum to be paid such property owner or owners; nor shall refund be made from any revenues derived from water service.

## ARTICLE 9 SUBDIVISIONS

### Sec. 9-1 Application

A person desiring to provide a water system within a tract of land which he proposes to subdivide, shall make written application therefore.

### Sec. 9-2 ID – Contents

The application shall state the number of the tract, the name of the subdivision and its location. It shall be accompanied by a copy of the tentative map and of the plans, profiles and specifications for the street work, water facilities and sanitary and storm sewer work therein.

### Sec. 9-3 Investigation

Upon receiving the application, the General Manager 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 therefore. To assist the General Manager in making said investigation and report, the Board may engage the services of a consulting engineer. The size, type and quality of the materials shall be in accordance with the District's Water Distribution System Standards and Specifications in effect at the time of application.

### Sec. 9-4 Specifications and Construction

Location of the lines shall be specified by the District and the actual construction will be done at the expense of the subdivider, by the District or by a contractor acceptable to it, supervised and inspected by the District. Fire hydrants shall be so located that each lot is within 300 feet of a hydrant, but in no event to be located at intervals of more than 600 feet along the distribution main.

### Sec. 9-5 Subdivisions, Tracts or Housing Projects – Deposit

If to be constructed by the District, subdivider shall advance to the District the cost of the labor and materials necessary for constructing main lines to be laid within the subdivision, plus fire hydrants and appurtenances, plus an amount to be determined by the District to cover overhead and indirect costs, and a pro-rata share of off-site supply, storage and distribution facilities. If to be constructed by the subdivider, only the latter amount need be advanced.

### Sec. 9-6 Adjustment

Adjustments of any substantial difference between the estimated and actual cost of line installed shall be made at or before the completion of the installation, and any excess shall be refunded to the subdivider and any shortage will be paid by the developer to the District.

- Sec. 9-7     Property of District  
All facilities shall be the property of the District and shall be conveyed to the District by a proper instrument in writing at the time the application is submitted to the District for acceptance.
- Sec. 9-8     Service Connections  
The subdivider shall, at subdivider's cost, provide all connections to houses constructed by him, as provided herein and in the District's water Distribution System Standards and Specifications in effect at the time of the application.
- Sec. 9-9     Costs and Expenses  
All costs and expenses incurred by the District under this Article, including the cost of investigation, inspection and consulting engineers services, shall be paid to the District by the subdivider prior to approval of the application.
- Sec. 9-10    Further Requirements  
In granting an application, the Board may make whatever further requirements may appear to it to be necessary.

## ARTICE 10 GENERAL USE REGULATIONS

### Sec. 10-1 Number of Services Per Premises

The applicant may apply for as many services as may be reasonably required for the applicant's premises provided that the pipe line system from each service be independent of the others, and that they not be interconnected. The cost of all services shall be borne by the applicant.

### Sec. 10-2 Supply to Separate Structures

Each house, or structure, or premises, for which the application for water service is hereafter made, shall have a separate service connection, including a separate meter, except as otherwise provided in Sec. 19-2 hereof.

### Sec. 10-3 Water Waste

No applicant or customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on an applicant's or customer's premises, the District may discontinue the service if such conditions are not corrected within five (5) days after giving the applicant written notice. All new buildings shall use low flow water fixtures to promote water conservation within the District boundaries.

### Sec. 10-4 Responsibility for Equipment on Premises

All facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District for the purpose of rendering water service and may be maintained, repaired or replaced 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. No payment shall be made for placing or maintaining said facilities on private property. No persons shall place or permit the placement of any object in a manner which will interfere with the free access to a meter box or will interfere with the reading of a meter.

### Sec. 10-5 Changes in Equipment

Applicants making any material changes 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.

### Sec. 10-6 Damage to Water System Facilities

The applicant shall be liable for any damage to the District-owned water service facilities when such damage is from causes originating on the premises by an act of the applicant or applicant's tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the applicant or others on or near a service connection, and any damage that may result from hot water or steam from a boiler or heater on the applicant's



premises. The District shall be reimbursed by the applicant for any such damage promptly on presentation of a bill.

Sec. 10-7 Ground Wire Attachment

All persons are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District unless such plumbing is adequately connected to an effective driven ground installation on the premises. The District will hold the applicant liable for any damage to its property occasioned by such ground wire attachment and neither the District nor its officers, agents or employees shall incur any liability of any nature whatever by reason of the use of any facility for grounding purposes which is or may be connected to the District system.

Sec. 10-8 Control Valve on the Premises

The owner shall provide a valve on his side of the service installation as close as is practicable to the meter location, street, highway, alley or easement in which the water main serving the owner's premises is located, to control the flow of water to the piping on said property. The owner and/or applicant, if other than the owner, shall not use the service curb stop to turn water off and on for his convenience.

Sec. 10-9 Cross-Connection Control Program

10-9-1 Purpose The purpose of the cross-connection control program is:

- a) To protect the public potable water supply of the Pajaro/Sunny Mesa Community Services District from the possibility of contamination or pollution by isolating within each customer's internal distribution system (s) such contaminants or pollutants which could backflow or back-siphon into the District's water supply system;
- b) To promote the elimination or the control of existing cross-connections, actual or threatened, between its customers, in-plant or in-house potable water system (s) and non-potable water systems, plumbing fixtures and piping systems; and
- c) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

10-9-2 Policy and Enforcement

- a) No water service connection to any premises shall be installed or maintained by the District unless the water supply is protected as required by State and County Laws and regulations, and this Ordinance. Service of water to any premises shall be

discontinued by the District if a backflow prevention device required by the Ordinance is not installed, tested, approved and maintained by the District, or if it is found that a backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected, and all applicable fees and charges are paid.

- b) The Customer's system shall be available for inspection at all reasonable times to authorized representatives of the District to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the General Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition (s) in conformance with State, County and District statutes and regulations relating to plumbing, water supplies and water systems.
- c) All existing water connections which may be deemed by the General Manager to be subject to backflow prevention will, upon written notice, have an appropriate backflow prevention device installed and inspected within sixty (60) days of said notification.

10-9-3

Scope of Program

The Pajaro/Sunny Mesa Community Services District shall protect the public water supply from contamination by implementation of a cross-connection control program. The program may be implemented directly by the water supplier or by means of a contract with another entity or agency. The District's cross-connection control program shall, for the purpose of addressing the requirements of California law include, but not be limited to, the following elements:

- a) The conduct of surveys to identify conditions or places where cross-connections are likely to occur;
- b) The provision of cross-connection control, including but not limited to backflow protection at the user's connection or within the user's premises or both;
- c) The provision of at least one person trained in cross-connection control;
- d) The establishment of a procedure or system for testing backflow preventers;
- e) The maintenance of records of locations, tests, and repairs or backflow preventers, and

- f) The establishment of implementation and enforcement procedures.

10-9-4 Responsibility.

- a) The General Manager shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, pursuant to District regulation, an approved backflow prevention device is required at the District's water service connection to any customer's premises for the safety of the water system, the General Manager or his designated agent shall give notice in writing to said customer to install such and approved backflow prevention device at each service connection to his premises.
- b) The customer shall immediately install, maintain, and test yearly such approved device or devices at his own expense. Failure, refusal or inability on the part of the customer to install, maintain and test yearly said device or devices as required shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed, maintained or tested as required.

10-9-5 Definitions.

- (1) General Manager The General Manager of the Pajaro/Sunny Mesa Community Services District is vested with the authority and responsibility for the implementation of an effective cross-connection control program, and for the enforcement of the provisions of this ordinance.
- (2) Approved Water Supply An approved water supply is a water supply whose potability is regulated and accepted by State or local health agency.
- (3) Auxiliary Water Supply An auxiliary water supply is any water supply other than that received from a public water system.
- (4) Air-Gap Separation Air-gap separation (AG) is a physical break between the supply line and a receiving vessel.
- (5) AWWA Manual M14 Manual M14 is a manual of "Recommended Practice for Backflow Prevention and Cross-Connection Control" (1966) published by the American Water Works Association (AWWA), as revised or amended.

- (6) AWWA Standards AWWA Standard is an official standard developed and approved by the American Water Works Association (AWWA).
- (7) Backflow This is the flow of water or other liquids, mixtures or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than the District's source.
- (8) Back-Siphonage This is the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water source other than the District's source caused by the sudden reduction of pressure in the potable water supply system.
- (9) Backflow Preventer A device or means designed to prevent backflow or back-siphonage is called a backflow preventer, and is more specifically described hereinafter.
- (10) Reduced Pressure Principle Backflow Prevention Device (RP) This is a backflow preventer incorporating not less than two (2) check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing, and is more particularly described hereinafter.
- (11) Double Check Valve Assembly (DC) A double check valve assembly is an assembly of at least two (2) independently acting check valves, including tightly closing shut-off valves located on each side of the check valve assembly, and test cocks available for testing the water-tightness of each check valve, and is more specifically described hereinafter.
- (12) Contamination Contamination is the introduction or intrusion of non-District water or other substance or fluid which has not been approved by the California Department of Health Services and accepted by the District.
- (13) Cross-Connection A Cross-connection is an unprotected actual or potential inter-connection between the District's potable water system, which is used to supply water for drinking purposes, and any other source or system of water distribution containing unregulated or unapproved water, fluids or substances. Any bypass arrangements, jumper connections, removable sections, swivel or change-over devices, or other devices through which backflow could occur, shall be considered to be a cross-connection.

- (14) Cross-Connection Controlled A controlled cross-connection is a connection between the District's potable water system and an unapproved or/or unaccepted water system with an approved backflow prevention device properly installed and approved by the District that will continuously afford the protection commensurate with the degree of hazard.
- (15) Cross-Connection Control by Containment Control by containment is the installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.
- (16) Hazard, Degree of This term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
- (17) Health Agency Health Agency refers to the California Department of Public Health, or the local health officer with regulatory authority with respect to a small water system.
- (18) Reclaimed Water Reclaimed water is wastewater which as a result of treatment is suitable for uses other than potable water.
- (19) User Connection This is the point of connection of a user's piping to the water supplier's facilities.
- (20) User Supervisor A user supervisor is a person, designated for this position by the water user and approved by the District, who is responsible for the installation, operation and maintenance of the water user's pipelines and equipment for the avoidance of cross-connections.
- (21) Water Supplier The water supplier is the person who owns or operates the public water system.
- (22) Water User. A water user is any person or water service connection obtaining water from a public water supply.
- (23) Hazard, Health. Any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the General Manager may create a danger to the health and well-being of the water customer or the water system is

a health hazard. An example would be a structural defect, including cross-connections in a water system.

- (24) Hazard. Plumbing A plumbing type cross-connection in a customer's water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device is a health hazard. Unprotected plumbing type cross-connections are considered to be a health hazard.
- (25) Hazard. Pollutonal A pollutonal hazard is an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system which would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- (26) Hazard. System A system health hazard is an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted affect on the quality of the potable water in the system.
- (27) Non-District Fluids System This is any system containing a fluid or solution which may be chemically, biologically or otherwise constituted, contaminated or polluted in a form or concentration such as would constitute a health, system, pollutonal or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to:
- polluted or contaminated water; all types of processed water and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalines, circulated cooling water connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, etc.; oils, gases, glycerine, parrafins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.
- (28) Pollution Pollution is the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

- (29) Water. Non-Potable Non-potable water is water which is not safe for human consumption or which is of questionable potability, or which has not been approved by the California Department of Public Health and accepted by the District.
- (30) Water. Service Connections This is the terminal end of a service connection from the public potable water system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.
- (31) Water. Used Used water is any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.
- (32) Water System The Water System shall be considered as made up of two parts, the Utility System and the Customer System. The Utility System shall consist of the source facilities and the Distribution System, and shall include all those facilities of the Water System: under the complete control of the utility up to the point where the Customer's System begins. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the Distribution System. The Distribution System shall include the network of conduits used for the delivery of water from the source to the Customer's System. The Customer's System shall include those parts of the facilities beyond the termination of the Utility Distribution System which are utilized in conveying utility-delivered domestic water to points of use.

10-9-6. Evaluation of Hazard

The District shall evaluate the degree of health hazard produced by actual or potential cross connections with the potable water supply within the user's premises. The evaluation shall consider, among other things, the existence of or potential for cross-connections, the nature of materials, substances or fluids handled or equipment or facilities used or located on the property, the

probability of a backflow occurring, the degree of piping system complexity and the potential for piping system modification. Special consideration shall be given to the premises of the following types of water users and shall be evaluated for degree of health hazard and the type of protection needed:

- a) Premises where substances harmful to health are handled under pressure in a manner which could permit their entry into the public water system. This included chemical or biological processed waters and water from public water supplies which have deteriorated in sanitary quality;
- b) Premises having an auxiliary water supply, unless the auxiliary supply is accepted as an additional source by the District and is approved by the Health Agency;
- c) Premises that have internal cross-connections that are not abated to the satisfaction of the District or the Health Agency;
- d) Premises where cross-connections are likely to occur and entry is restricted so that cross-connection inspections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist; and
- e) Premises having repeated history of cross-connections being established or re-established.

10-9-7      Emergency Service Disconnection      If the General Manager evaluates the degree of health hazard produced by actual or potential cross-connections with the District's water supply and determined that an immediate and significant system health hazard exists, the General Manager may authorize posting of notice and immediate service disconnection of the premises. Water service will not be reinstated until the health hazard is corrected by installation and approval of cross-connection control devices and payment of all fees and charges in accordance with District regulation.

10-9-8      Type of Protection Required      The type of protection that shall be provided to prevent backflow into the public water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The minimum types of backflow protection required at the water user's connection to the premises with various degrees of hazard are given in Table 1:

\* \* \* \* \*



**TABLE I**

**TYPE OF BACKFLOW PROTECTION REQUIRED**

<u>Degree of Hazard</u>	<u>Minimum Type of Backflow Prevention</u>
(a) Sewage and Hazardous Substances	
1. Premises where the public water system is used to supplement the reclaimed water supply.	AG
2. Premises where there are wastewater pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
3. Premises where reclaimed water is used and there is no inter-connection with the potable water system. An RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
4. Premises where hazardous substances are handled in any manner in which the substances may enter the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
5. Premises where there are irrigation systems into which fertilizers, herbicides or pesticides are, or can be, injected.	RP
(b) Auxiliary Water Supplies	
1. Premises where there is an unapproved auxiliary water supply which is inter-connected with the public water system. An RP or DC may be provided in lieu of an AG if approved by the health agency and water supplier.	AG

TABLE I Continued

<u>Degree of Hazard</u>	<u>Minimum Type of Backflow Prevention</u>
2. Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. An DC may be provided in lieu of an RP if approved by the health agency and water supplier.	RP
(c) Fire Protection Systems	
1. Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	DC
2. Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of Ag if approved by the health agency and water supplier.	AG
3. Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from private reservoirs or tanks are used.	DC
(d) Dockside Watering Points and Marine Facilities	
1. Pier hydrants for supplying water to vessels for any purpose.	DC
2. Premises where there are marine facilities.	RP
(e) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.	RP
(f) Premises where there is a repeated history of cross-connections being established or re-established.	RP

Notes:

- AG – Air-Gap Separation
- DC – Double Check Valve Assembly
- RP – Reduced Pressure Principle Backflow Prevention Device

\* \* \* \* \*

10-9-9

Location of Backflow Preventers

(a) Air-Gap Separation

An air-gap separation shall be located as close as practical to the user's connection and all piping between the service cock and the receiving tank shall be entirely visible unless otherwise approved in writing by the District and the Health Agency.

(b) Double Check Valve Assembly

A double check valve assembly shall be located as close as practical to the user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance.

(c) Reduced Pressure Principle Backflow Prevention Device

A reduced pressure principle backflow prevention device shall be located as close as practical to the user's connection and shall be installed a minimum of twelve inches (12") above grade and not more than thirty-six (36") above grade measured from the bottom of the device with a minimum of twelve inches (12") side clearance.

10-9-10

User Supervisor

The Health Agency and the District may, at their discretion, require a water user to designate a user supervisor when the water user's premises has a multi-piping system.

10-9-11

Approval of Backflow Preventers

Backflow preventers required by this ordinance shall have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated its competency to perform such tests to the California Department of Public Health.

10-9-12

Construction of Backflow Preventers

a) Air-Gap Separation.

An air-gap separation (AG) shall be at least double the diameter of the supply pipe, measured vertically from the flood rim of the receiving vessel to the supply pipe, however, in no case shall this separation be less than one inch (1").

b) Double Check Valve Assembly

A required double check valve assembly (DC) shall conform to the AWWA Standard C506-75 (R83) for Double Check Valve Type Backflow Preventive Devices.

- c) Reduced Pressure Principle Backflow Prevention Device. A required reduced pressure principle backflow prevention device (RP) shall conform to the AWWA Standard C506-75 (R83) for Reduced Pressure Principle Type Backflow Prevention Device.

10-9-13

Testing and Maintenance of Backflow Preventers

- a) The District shall assure that adequate maintenance and periodic testing are provided as required by the Health Agency to ensure their proper operation.
- b) Backflow preventers shall be tested by persons who have demonstrated their competency in testing of these devices to the District and Health Agency.
- c) Backflow preventers shall be tested at least annually or more frequently if successive inspections indicate repeated failures or where it is found to be necessary by the Health Agency or District because of the degree of hazard. When devices are found to be defective, they shall be repaired or replaced in accordance with the provisions of this ordinance.
- d) Backflow preventers shall be tested immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required.
- e) The District shall notify the water user when testing of backflow preventers is needed. The notice shall contain the date when the test must be completed.
- f) Reports of testing and maintenance shall be maintained by the District.
- g) It shall be the duty of the customer-user at any premises where the backflow prevention devices are installed to have certified inspections and operational tests and repairs made at least once per year. In those instances where the General Manager deems the hazard to be great enough, he may require certified inspections at more frequent intervals.
  - (1) These inspections, tests and repairs shall be at the expense of the water user and shall be performed by the device manufacturer's representative, or by a certified tester approved by the General Manager.

- (2) It shall be the duty of the District's General Manager or his representative to see that these timely tests are made. The customer-user shall notify the General Manager or his representative in advance when the tests are to be undertaken so that he or his representative may witness the test, if so desired.
  - (3) These devices shall be repaired, overhauled or replaced by a certified individual or agency at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs, and over-haul shall be kept and sent to the General Manager or his representative.
- h) All presently installed backflow prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection g) above, be excluded from the requirements of these rules as long as the General Manager is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance, or when the General Manager finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

Sec. 10-10. Interruptions in Service

The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the District. Temporary shutdowns may be made by the District to make improvements and repairs. Whenever possible and as time permits, all applicants affected will be notified prior to making such shutdowns. The District will not be liable for interruption, shortage, or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.

Sec. 10-11. Ingress and Egress

Representatives from the District shall have the right of ingress and egress to the customer's and/or applicant's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

Sec. 10-12. Damage to Meters            The Board reserves the right to set and maintain a meter on any service connection. The applicant 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 11            SERVICE CONNECTIONS

### Sec. 11-1    Installation

All services shall be metered. For all new connections, a sum of money as set forth herein shall be deposited with the District prior to installation of the meter facilities, to pay for all of the cost of said installation. The service connection, whether located on public or private property, is the property of the District, unless specifically otherwise provided, and the District reserves the right to repair, place and maintain it, as well as to remove it upon discontinuance of service.

### Sec. 11-2    Service Connections

The District will furnish and install a service of such size and at such location as the applicant requests, provided such request are reasonable; the service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, on other thoroughfares, or on the District right-of-way easement. Charges for new services are payable in advance and shall be the actual cost of installation plus ten percent (10%).

### Sec. 11-3    Meter Installations

Meters will be installed at the curb or within the easement, and shall be owned by the District and installed and removed at its expense after payment of the charges established therefore. No rent or other charge will be paid by the District for a meter or other facilities, including housing and connections, located on an applicant's premises. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

### Sec. 11-4    Change in Location of Meters

Meters removed for the convenience of the applicant will be relocated at the applicant's expense. Meters moved to protect the District's property will be moved at its expense.

### Sec. 11-5    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. The laying of applicant's pipe line to the curb should not be done until the location of the service connection has been approved by the General Manager.

### Sec. 11-6    Curb Cock

Every service connection installed by the District shall be equipped with a curb cock or wheel valve on the inlet side of the meter. Such valve or 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 or wheel valve is damaged by the applicant's use to an extent requiring replacement, such replacement shall be at the applicant's expense.

- Sec. 11-7 Pressure Reduction Valves  
Pressure reduction valves shall be placed on all water service lines where system pressure exceeds 60 p.s.i. They shall be placed on the applicant's side of the meter at customer expense and maintained by the customer.
- Sec. 11-8 Certified Meter Test – Deposits  
All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. If an applicant desires to have the meter serving his premises tested, he shall first deposit as per rate schedule. Should the meter register more than two percent (2%) fast, the deposit will be refunded, but should the meter register less than two percent (2%) fast, the deposit will be retained by the District.
- Sec. 11-9 Adjustment for Meter Errors – Fast Meters  
If a meter tested at the request of an applicant pursuant to Sec. 11-8 is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the applicant requesting the test, or for a period of six (6) months, whichever shall be the lesser, shall be refunded to the applicant.
- Sec. 11-10 Adjustment for Meter Error – Slow Meters  
If a meter tested at the request of an applicant pursuant to Sec. 11-8 is found to be more than twenty-five (25%) slow in the case of domestic services, or more than five percent (5%) slow for other than domestic services, the District may bill the applicant for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six (6) months, that the meter was in use.
- Sec. 11-11 Non-Registering Meters  
If a meter is found to be not registering, the charges for services shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from a previous consumption for a comparable period or by such other method as is determined by the District and its decision shall be final.



**ARTICLE 12 BILLING**

Sec. 12-1 Billing Period

The regular billing period will be monthly or bi-monthly at the option of the District. Billing shall be made to the applicant; except that, at the written request of applicant, billing may be made to a tenant, renter, lessee, or other designate but responsibility for payment remains with applicant and the requested billing is solely for the convenience of applicant.

Sec. 12-2. Meter Reading

Meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-seven (27) days or more than thirty-three (33) days for bills rendered monthly, or less than fifty-four (54) days and more than sixty-six (66) days for bills rendered bi-monthly, will be prorated.

Sec. 12-3 Opening and Closing Bills

If the total period for which service is rendered is less than one (1) month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the District for the final period as an expediency to permit the applicant to pay the closing bill at the time service is discontinued.

Sec. 12-4 Payment of Bills.

Bills for water services shall be rendered at the end of each billing period to include the minimum charge for the following period. Bills shall be payable on presentation. On each bill for water service rendered by the District shall be printed substantially the following:

“THIS BILL IS NOW DUE AND PAYABLE”

“If this bill is not paid within 25 days of postmark date hereon, both a Basic Penalty and an Additional Penalty, in addition to costs of collection, shall be charged pursuant to Section 12-5 of District Rules Regulations. Services discontinued for non-payment will be charged a re-connection fee for each trip necessary to secure payment.”

Sec. 12-5 Penalty

Rates and charges which are not paid within twenty-five (25) days after the Post Office cancellation date of the billing shall be subject to the following penalties:

(a) Basic Penalty:

Any amount remaining due and unpaid 25 days after the date when such payment becomes due shall incur a Basic Penalty from the due date to the date payment at the rate of 10% per annum.

(b) Additional Penalty:

In addition to the Basic Penalty incurred on late Payment, any person who fails to pay any amount due to the District within twenty-five (25) days of the date said payment becomes due and payable will be subject to an Additional Penalty of one-half of one percent per month for nonpayment of the rates, charges and Basic Penalty.

(c) Collection Costs:

In addition to the Basic Penalty and the Additional Penalty provided for herein, any person who fails to pay any amount due to the District within 25 days of the date said payment becomes due and payable to the District will be subject to reasonable legal fees actually incurred in collection and a late fee handling charge to cover the costs incurred in collection of overdue accounts in the minimum amount of \$20.00 per month. If the actual cost incurred exceed \$100.00, the amount charged shall be the actual amount of the costs incurred per month.

Sec. 12-6 Billing of Separate Services Not Combined.

Separate bills will be rendered for each meter installation except where the District has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter readings will be combined for billing purposes.

Sec. 12-7 Consumer's Guarantee

The water charge begins when a service connection is installed and, where applicable, the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed.

Sec. 12-8 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 service was last given and billed and, if it is a metered connection, from the last recorded meter reading. 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.

## ARTICLE 13      DISCONTINUANCE OF SERVICE

### Sec. 13-1      Disconnection for Non-Payment

Service may be discontinued for non-payment of bills twenty-five (25) days after the Post Office cancellation date of the billing. At least five (5) days prior to such discontinuance the applicant will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in said notice. The failure of the District to send or any such person to receive said notice shall not affect the District's power hereunder.

An applicant's water service may be discontinued if water service furnished at a previous location is not paid for within the time herein fixed for the payment of bills. If a customer receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be turned off. Domestic service, however, will not be turned off for non-payment of bills for other classes of services.

### Sec. 13-2      Re-connection Charge

A re-connection charge plus penalties will be made and collected prior to renewing service following a disconnection, or for each trip necessary to secure payment.

### Sec. 13-3      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 to other applicants.

### Sec. 13-4      Cross-Connections

Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal Laws.

### Sec. 13-5      Fraud or Abuse.

Service may be discontinued if necessary to protect the District against fraud or abuse.

### Sec. 13-6      Non-Compliance with Regulations

Applicants desiring to discontinue service should so notify the District two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the applicant shall be liable for charges whether or not any water is used.

### Sec. 13-7      Upon Vacating Premises

Applicants desiring to discontinue service should so notify the District two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the applicant shall be liable for charges whether or not any water is used.

## ARTICLE 14            COLLECTION PROCEDURES

### Sec. 14-1    Suit

The District, through its General Manager, shall be empowered to institute suit to collect the rates and charges imposed by this Ordinance, and the District may use all rights and remedies that it possesses under law in such collection action.

### Sec. 14-2    Lien Rights

In order to secure the payment of unpaid rates and charges, the District is empowered to record a lien against the property of the owner who has not paid the rates or charges. After the rate or charges has become delinquent, the District shall notify the owner by certified mail that the District will record a lien, and such notice shall itemize the amount due, including all costs of collection and attorneys' fees incurred by the District in the collection of the unpaid amounts. Within seven (7) days after receipt of the notice of the District's intent, the District may record with the Monterey County Recorder a lien to secure payment of the unpaid rates, charges, costs of collection and attorneys' fees. A copy of the recorded lien shall be sent by regular mail to the owner of the property. Thereafter, the District may foreclose on the lien in any manner permitted by law for the foreclosure of liens.

### Sec. 14-3    Costs of Collection and Attorneys' Fees

In any proceeding to collect unpaid rates and other charges imposed by this Ordinance, the District shall be entitled to collect its costs of collection and reasonable attorneys' fees incurred in such proceeding.

## ARTICLE 15 PUBLIC FIRE PROTECTION

### Sec. 15-1 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 District prior to use and shall operate the hydrant in accordance with instructions issued by the District. Unauthorized use of hydrants will be prosecuted according to law.

### Sec. 15-2 Hydrant Rental

A charge to be determined by contract between the District and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection.

### Sec. 15-3 Moving of Fire Hydrants

When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

## ARTICLE 16 PRIVATE FIRE PROTECTION

### Sec. 16-1 Payment of Cost

The applicant for private fire protection service not now installed shall pay the total actual 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.

### Sec. 16-2 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. 16-3 Use

There shall be no water used through the fire protection service except to extinguish accidental fires and for testing the fire-fighting equipment.

### Sec. 16-4 Meter Rates

Any consumption recorded on the meter will be charged for at double the regular service rates except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the duly authorized fire protection agency.

### Sec. 16-5 Monthly Rates

The monthly rates for private fire protection shall be established in the District's Schedule of Rates.

### Sec. 16-6 Water for Fire Storage Tanks

Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The regular water rates will be applied.

### Sec. 16-7 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. 16-8 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 hereby 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. 16-9

Rules

The following rules shall apply to fire service connections:

(a) Valve

When a fire service connection is installed, the valve governing the same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.

(b) Meter

If the District does not require a meter, and if 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.

(c) Additional Service

The District shall have the right to take a domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The Board shall also have the right to determine the proportion of the installation costs properly chargeable to each service connection, if such segregation of costs shall become necessary.

(d) Check Valve

The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a by-pass meter at the expense of the owner of the property.

## ARTICLE 17        TEMPORARY SERVICE

### Sec. 17-1    Duration of Service

Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the District.

### Sec. 17-2    Deposit

The applicant shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish said service exclusive of the cost of salvageable material. Upon discontinuance of service the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. If service is supplied through a fire hydrant, the applicant shall deposit, in advance, the amount charged in accordance with the rate schedule.

### Sec. 17-3    Rates

The rates for temporary service shall be as contained in the District Rate Schedule as provided in Article 19 hereof.

### Sec. 17-4    Installation and Operation

All facilities for temporary service to the customer connection shall be made by the District and shall be operated in accordance with its instructions.

### Sec. 17-5    Responsibility for Meters and Installation

The applicant shall use all possible care to prevent damage to any meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight (48) hours notice in writing had been given to the District that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the applicant.

### Sec. 17-6    Temporary Service From a Fire Hydrant

If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the proper authority and District. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose.

### Sec. 17-7    Unauthorized Use of Hydrants

Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor, punishable by law.

### Sec. 17-8.    Credit

The applicant shall pay the estimated cost of service in advance or shall be otherwise required to establish credit.



**ARTICLE 18.**

**SPECIAL PROVISIONS**

Sec. 18-1 Pools and Tanks

When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Water to be used for other than domestic purposes, such as swimming pools and tanks, will be supplied through a meter and filter system approved by the State Board of Health. All meters, lines, checks, filters and appurtenances are to be furnished and installed by the applicant, under the supervision of the General Manager. The system is to be open for inspection by the District at all times.

Permission to take water in unusual quantities will be given only if it can safely be delivered through the District's facilities and if other consumers are not inconvenienced thereby.

Sec. 18-2 Responsibility for Equipment

The applicant 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 the negligence or wrongful act of the applicant or of any of his tenants, agents, employees, contractors, licensees or Permittees in 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 a temporary shutdown.

Sec. 18-3 Service Connections

The service connections extending from the water main to the property line and including the meter, meter box and curb cock or wheel valve shall be maintained by the District. All pipes and fixtures extending or lying beyond the property line shall be installed and maintained by the owner of the property.

Sec. 18-4 Service Calls at Applicant's Request

A charge shall be made for service calls requested by the consumer as specified in Rate Schedule.

Sec. 18-5 Public Restrooms and Facilities

The District Board may grant an exception to billing obligations and requirements for water meters that have historically been used by the Moss Landing Harbor District solely to provide public water and sanitation services, free of charges, to the general public. This section shall apply only to metered connections wherein the District has determined that the water service provided:

- (a) Pre-dates the date of the assumption of ownership of the Moss Landing system by the District
- (b) Was always provided to the general public free of all charges
- (c) Will continue to be provided in the future by the Moss Landing Harbor District Board of Commissioners free of all charges to the general public

This grant of exception to billing obligations and requirements may be revoked should any of the previous findings cease to occur.

## ARTICLE 19        RATES

### Sec. 19-1    Rate Schedule

Rates for water service and other charges are shown in the District's Schedule of Rates attached hereto as Exhibit "A" and may be amended from time to time.

### Sec. 19-2    Domestic, Commercial and Industrial Service Connection

It shall be unlawful to maintain a connection excepting in conformity with the following rules:

(a)    Separate Building

Each house or building under separate ownership must be provided with a separate service connection. Two (2) or more houses or structures under one (1) ownership and on the same lot or parcel of land may be supplied through the same service connection. The District reserves the right to limit the ownership of houses or the area of land under one (1) ownership to be supplied by one (1) service connection.

(b)    Single Connection

Not more than one (1) service connection for domestic or commercial supply shall be installed for one (1) building, except under special conditions.

(c)    Different Owners

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.

(d)    Divided Property

When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

(e)    Service to Multi-Units

Service to multi-units may be from one (1) or more taps, and the District may at its option make its charges and collect its bills from each or such consumers for the service rendered each, or from the owner, or one (1) of the consumers for all services rendered to the property.

### Sec. 19-3    Outside Water Rates

The rates set forth in the Rate Schedule apply to service within and for water to be used in and for the District. Applicants using water furnished by the District where the applicants are outside the District, or the water is to be used outside the District, shall pay an amount to be determined for each situation. No outside water service may be provided without the express written permission of the Board.

**ARTICLE 20        CREDIT**

Sec. 20-1    Establishment and Maintenance

Each applicant for service shall establish and maintain credit to the satisfaction of the District. A cash guarantee deposit as hereinafter provided, or otherwise, shall be required on an applicant who is not the owner of the premises to be served, before service will be rendered.

Sec. 20-2    Guarantee Deposit

The amount of deposit required will be per current rate schedule. No interest will be paid on guarantee deposits.

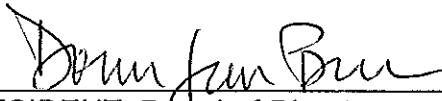
Sec. 20-3    Return of Guarantee Deposit

A guarantee deposit with the District made by a consumer whose account has not been in arrears at any time during the first of year of said deposit, is returnable after the expiration of said year. If the service is discontinued in less than a year, the deposit will be returned provided all outstanding bills against the consumer for water service have been paid. Any deposit uncalled for within five (5) years from the date when made will become the property of and be retained by the District.

**ARTICLE 21            TIME OF TAKING EFFECT**

Sec. 21-1    This ORDINANCE shall take effect immediately on passage.

DATED     May 29, 2008    

  
\_\_\_\_\_  
PRESIDENT, Board of Directors  
PAJARO/SUNNY MESA  
COMMUNITY SERVICES DISTRICT

\* \* \* \* \*

I hereby certify that the foregoing ordinance was passed and adopted at a regular meeting of the Board of Directors of the Pajaro/Sunny Mesa Community Services District on May 29, 2008, by the following vote:

AYES:	<u>    D. Brown, J. Espinola, C. Easterling, H. Wiggins, L. Sandoval    </u>
NOES:	<u>    None    </u>
ABSENT:	<u>    None    </u>
ABSTAIN:	<u>    None    </u>

  
\_\_\_\_\_  
Secretary of the Board of Directors