

TWAIN HARTE COMMUNITY SERVICES DISTRICT



WATER CODE

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 31**

**ADOPTION OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT WATER
ORDINANCE (WATER CODE)**

The Twain Harte Community Services District Board of Directors, hereby ordains as follows:

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SECTION 1 - PURPOSE AND DEFINITIONS

1.01 Short Title

This Ordinance shall be known as the "Twain Harte Community Services District Water Code" and may be cited as such.

1.02 Purpose

This Code establishes uniform requirements for design, construction, operation and maintenance of both public and private water supply, storage and distribution facilities and water service connections served by the water system of the Twain Harte Community Services District (hereinafter referred to as "District"). It also provides for the user charges and fees for the equitable distribution of cost of all users. Uniform application of these Regulations to all Customers served by the District water system shall enable the District to comply with the water quality requirements set by the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) and such other state and/or national standards of performance which may apply.

1.03 Definitions

Accessory Dwelling (ADU) – An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) An efficiency unit. [and] (B) A manufactured home, as defined in Section 18977 of the Health and Safety Code. For billing purposes, a dwelling unit on a parcel zoned for multi-family residential will only be considered an accessory dwelling unit after all other dwelling units allowed under the specific parcel zoning have been constructed.

Adequate and Reserve Capacity - Water mains capable of supplying, to applicant's land, potable water within the velocity and pipe size specifications set forth in the District Regulations, contained herein.

Application for Service - Written application requesting Twain Harte Community Services District service to a specific parcel of land, as indicated on a form provided by the District, together with such plans, specifications and fees as the District's Regulations shall, from time-to-time, require.

AWWA - American Water Works Association, a national association of water purveyors.

Backflow Prevention Device - Equipment used to protect the District's public water supply against actual or potential cross-connection with other sources of water supply or with sources of possible contamination.

Board - The Board of Directors of the Twain Harte Community Services District.

Bulk Usage - Water sold to a temporary customer by the truck load usually through fire hydrants, measured by a portable meter supplied by the District.

Capacity Charge - A charge required for the purpose of replacing the capacity of the District's facilities (supply, treatment, storage, transmission and distribution) to be used by a project or a new service where such capacity has not been previously provided by a developer.

Certificate of Lien - Written certificate of an overdue balance owing to the District by any user, duly recorded with the Tuolumne County Recorder.

Change of Use - When the primary water use changes from one classification to another, increases quantity, and/or adds multiple uses.

Check Valve Assembly - A mechanical device installed on a water line to restrict the flow of water in one direction only.

Code – See Water Code.

Connection Fees - A charge imposed upon all applicants for service at the time service is sought from the District. “Connection fee” is a general term that encompasses a variety of one-time charges imposed upon applicants for service. A “connection fee” includes, but is not limited to, the fees charged to make the physical connection to the District’s system, service lateral installation charges, meter set charges, new account administration fees, and capacity charges (which compensate the District for expenses incurred in providing existing capacity or an increase in needed capacity).

Control Valve - A device used to control the flow of water in water line or in fire hydrant laterals.

Customer – Any person or entity, including without limitation a parcel or property owner, or tenant, supplied or entitled to be supplied with water service by the District in accordance with established rules, regulations, rates and charges.

Disconnection – A water meter has been physically removed from the meter box; the water service lateral has been cut and capped; or other permanent method has been employed to ensure that water is not able to flow into the property. All capacity, including capacity previously provided by Developers, associated with a disconnected service line shall be permanently forfeited upon disconnection and monthly service charges shall cease upon approval by the District.

Discontinuance – A water meter is still physically present but a District controlled flow restriction device been placed on the serve to limit water from flowing to the customer. See FLOW RESTRICTION.

District - Twain Harte Community Services District, a California Special District organized under Sections 61000 et. seq. of the Government Code. May also be referred to as THCS D.

Dwelling Unit – Any structure containing living, sleeping, cooking, and sanitation facilities. At a minimum, cooking facilities shall include a sink that is separate from the bathroom sink. See Residential Living Unit.

Engineer - The District Engineer of the Twain Harte Community Services District.

Finance Officer – The Finance Officer of the Twain Harte Community Services District.

Flow Restriction – A device placed on a customer’s meter by the District to restrict flow through the customer’s service as a result of non-payment. The device shall significantly restrict flow, but provide enough water for basic human needs – drinking, cooking and sanitation.

General Manager – The General Manager of the Twain Harte Community Services District.

Guest Living Unit – Any accessory living area occupied by temporary guests, without compensation of any kind as a condition of occupancy, and used as sleeping quarters only. A

Guest Living Unit may have sleeping and sanitation facilities, but no living, cooking or housekeeping facilities. A Guest Living Unit includes either: (1) a structure detached from a primary residential living unit or (2) an independent living area attached to a primary residential living unit that has its own separate entrance.

ISO - Fire demand pipe size requirements as specified by the most current edition of the fire suppression rating schedule published by the Insurance Service Office.

Junior Accessory Dwelling Unit – A unit that is no more than 500 square feet in size and contained entirely within a single family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Meter - The device capable of measuring the quantity of water delivered to a designated parcel.

Monthly Fixed Charge – The monthly fixed charge for every account to which water service is provided and readily available through a connection to the District's system, whether or not water is used through said connection.

Multi-Family Residential - A parcel with a water service that serves a structure with more than one attached dwelling unit, such as duplexes, triplexes, apartments and accessory dwelling units. For the purposes of billing, detached accessory dwelling units will also be considered a multi-family residential unit.

New Service - Refers to application for metered water service to lands not currently served by the District.

Operations Manager – The Operations Manager of the Twain Harte Community Services District.

Parcel - A piece of real property designated by the County of Tuolumne by a single assessor's parcel number.

Parcel Owner - The person or persons whose name or names appear on the Tuolumne County Tax Assessor's latest equalized assessment roll as the owner of a parcel that is receiving utility service or that is located within the District's geographical boundaries. The Parcel Owner is responsible for the payment of all rates, charges, and fees, including penalties thereon regarding any furnished services.

Private Fire System - Fire suppression service in the form of a sprinkler system to a designated parcel of land.

Property Owner – See Parcel Owner.

Regulations – See Water Code.

Residential Living Unit – Any structure containing living, sleeping, cooking, and sanitation facilities. At a minimum, cooking facilities shall include a sink that is separate from the bathroom sink. See Dwelling Unit.

Service Connections - Water facilities including a tap on a water main and the service lateral pipe from the main to and including the meter as located by the District and including the curb stop and meter box.

Service Valve - The equipment located on the District's lateral pipe to the user's property, and which is the method by which service to the affected land is controlled.

Shall and Will - "Shall" is mandatory and "Will" is permissive.

Single Family Residence –The primary residential dwelling unit on a parcel. For billing purposes, all separate/detached dwelling units on a parcel will be billed as separate single family residential units, unless the dwelling unit is classified as an accessory dwelling unit.

Standard Specifications and Plans of the District - This refers to the specific requirements of the District relative to plumbing facilities and equipment and includes improvement standards and specifications as well as detailed drawings and all Amendments thereto and changes thereof.

Tenant – A person who occupies land or property rented from a landlord, including without limitation a parcel or property owner. See Customer.

THCSD – See District.

Unimproved Property - Refers to parcels of land upon which no structure requiring water service has heretofore been placed or presently exists.

Water Code – The entirety of this Ordinance, which establishes requirements for design, methods of construction, operation and maintenance of both public and private water supply, storage and distribution facilities and water service connections served by the District's water system.

Water Service – Water or water infrastructure that is provided, including but not limited to, residential, non-residential, agricultural, commercial and industrial customers.

Water System – The District water conveyance system, including treatment plants, tanks, pumps, pipes, canals, reservoirs, drainage courses and any other appurtenance that exists in support of the water system. Any water system constructed or reconstructed by the District; or any private water system acquired by the District by whatever means.

Water User – Users receiving water service as defined herein, specifically under Water Service in this section.

SECTION 2 - GENERAL WATER SERVICE AND USE REQUIREMENTS

2.01 Service Subject to Regulations

Water service will be provided to properties within the Twain Harte Community Services District boundary in accordance with this Code, adopted and amended from time to time by the Board of Directors. By applying for or receiving water service from the District, each user covenants and agrees to be bound by and to comply with all regulations of this Code.

2.02 Property Owner Liability

The Property Owner shall be ultimately responsible for water use associated with his/her parcel, including but not limited to, service connection; installation, operation and maintenance of private water equipment/facilities; water use; and payment of any costs, rates, charges or fees related thereto. Tenant occupancy of a property shall not relieve the Property Owner of this liability, even if the tenant is a District Customer.

2.03 Non-Liability of District

The District will exercise reasonable care and diligence to deliver a continuous, sufficient supply of water of good quality at the District connection to the customer's premises. However, the District is not, and will not be liable for any loss, damage or inconvenience to any person or equipment by reason of shortage, insufficiency, suspension, discontinuance, service interruption, increase or decrease of water pressure, or by a water quality problem.

2.04 Service Interruptions

The District reserves the right at any and all times to shut off water delivery for the purpose of maintenance, making repairs, or alterations to the system. Reasonable effort will be made when feasible to give advance notice of interruption of service to all water users affected. The District shall not be liable for any loss or damage or insufficiency of supply if caused by accident, act of God, fire, strikes, riots, war or any other cause beyond the District's control.

2.05 Water Pressure Conditions

The District will attempt to provide a minimum of 20 psi (pounds per square inch) at the meter for each District user; however, the user, by applying for water service from the District, accepts such conditions of pressure and service as are provided by the Water System at the location of the proposed service connection.

User may, upon their own discretion, install a booster pump facility on the user side of the meter. All operation and maintenance shall be the responsibility of the user and the District assumes no liability for its use, condition, deterioration or damage.

A pressure regulator or pressure reducing valve shall be installed and maintained by the customer on each connection where the water pressure at the meter exceeds 80 pounds per square inch (psi), per the Uniform Plumbing Code.

2.06 User Responsibility for Water

Ownership and responsibility for water, including risk of loss or damage resulting from its use, passes from the District to the water user at the outlet of the meter or District-owned valve, backflow device, or double check valve assembly at the customer's point of connection. Water users shall only use water for the purpose identified on the application for service, consistent with all District Regulations.

2.07 Water Resale Prohibited

Except with the prior written authorization of the District, no user shall resell any water furnished by the District; nor shall any user permit the use of any water furnished by the District on any premises other than specified in the user's application for service.

2.08 User Responsibility for Facilities

Water Users are responsible for all privately owned equipment, pumps, appliances, pipes, water heaters, or other facilities connected to the public water supply on the discharge side of the water meter. It is the responsibility of the water user to protect private facilities by installation of switches, valves, sensors, or sediment traps or screens or other protective devices. Damage to private facilities resulting from water outages, volume or pressure variations or accumulations of line sediment, discoloration or scale formation will not be compensated by the District.

2.09 District Responsibility for Facilities

Operation, maintenance and replacement of the District-owned Water System shall be under the exclusive control of the District under the direction of the General Manager. The District's ownership of and responsibility for operation and maintenance of Water System facilities shall end at the discharge side of water meters that are installed by the District.

2.10 Damage to District Facilities

The user shall be responsible to pay the District for costs of repairing or replacing any District facilities damaged as a result of construction or other work or activities on the user's property.

2.11 Tampering with District Facilities

No person other than those designated and authorized by the District, shall at any time in any manner operate, interfere with, or tamper with the District's property or Water System. This includes, but is not limited to, buildings and facilities, communication equipment, curbstops, valves, gates, hydrants, standpipes or other appurtenances.

The cost of repairing any damage resulting from tampering with District Facilities will be billed to the responsible party and shall include, without limitation, the cost of labor, materials and equipment. Any tampering qualifying as a misdemeanor under the California Penal Code shall be referred to the District Attorney for prosecution.

2.12 Requests to Change District Facilities

Customers may request that the District make changes to its facilities (i.e. relocation of a meter or service connection for customer convenience). If the District deems that the requested changes are suitable for continued service and do not add an undue burden to the District's operations, the District may make such changes. If changes are approved, the customer is required to make a payment sufficient to cover the District's cost of work, as determined by the District, prior to the performance of work.

2.13 Electrical Grounds Prohibited

Ground wire connections to any plumbing which ultimately is connected to the District's Water System is prohibited, unless approved in writing by the General Manager.

2.14 Installation of Wells

It shall be unlawful to install wells within the District boundaries without first securing the written permission of the District Board.

SECTION 3 - WATER SERVICE RATES, CHARGES AND FEES

3.01 Establishment of Rates, Charges and Fees

The District Board shall, by resolution, establish a schedule of rates, charges and fees for water service and new water connections. Water service rates, charges and fees shall be set and established in accordance with law. The District may from time to time increase its rates, charges and fees or adopt new rates, charges and fees pursuant to applicable provisions of law.

3.02 Property Owner Responsibility for Rates, Charges and Fees

The Property Owner is responsible for the timely payment of all rates, charges and fees related to water service for his/her property.

3.03 Regular Water Service Rates and Charges

3.03.1 Base Charge

A monthly fixed charge will be applied to all customers, based on user classification, number of dwelling units and meter size, to provide for ongoing operation, maintenance, repair and improvement of the District's water system. The District finds that the continued operation of the District's water system provides a benefit to all of its customers and all customers have a responsibility to pay base charge in order to maintain the water system whether or not they take delivery of water.

Base charges for accessory dwelling units will be proportional to the actual capacity used by a typical accessory dwelling unit in the District. Guest living units will not be subject to base charges beyond the charges attributed to the customer's residential dwelling unit(s).

3.03.2 Consumption Charge

A consumption charge will be applied to all customers, at a rate per 1,000 gallons of water delivered through the customer's meter each month, to provide for variable costs related to water treatment and delivery.

3.04 Private Fire Protection Water Service Rates and Charges

3.04.1 Base Charge

A monthly fixed charge will be applied to all customers with service connections that supplies water exclusively to privately owned and maintained sprinklers and fire hydrants used solely for fire protection. The charge will be based on the base charge set a 1" non-residential meter.

3.04.2 Consumption Charge

A consumption charge will be applied to all customers with a private fire protection service connection at a rate per 1,000 gallons of water delivered through the customer's meter each month.

3.05 Connection Fees and Capacity Charges

Applicants for new service connections shall be required to pay all applicable connection fees and capacity charges related to user classification and size of service. Connection fees and capacity charges will be established by the District Board, by resolution, and specifically determined for

each proposed connection by the General Manager or his/her designee. Connection fees and capacity charges shall be paid prior to District's approval of new service connection application.

3.05.1 Capacity Charges for Accessory Dwelling Units

Capacity charges will not be applied to accessory dwelling units that are less than 750 square feet. Capacity charges for accessory dwelling units larger than 750 square feet shall be proportional to the capacity required to serve said unit.

3.06 Miscellaneous Fees

The District shall adopt, and amend as needed, a miscellaneous fee policy to establish reimbursement of miscellaneous water-related services provided for the direct benefit of a customer, agency or other party. Such services include, but are not limited to: additional billings, property transfers, account set-up, tenant account set-up, new service application, other applications, appeals, service flow reduction/shutoff, door notice for service flow reduction/shutoff, after hours reinstatement of service or after hours call, service shutoff/turn-on for customer convenience, meter testing, inspections, and backflow prevention device inspections. Some services provided to the customer may be billed based on actual costs incurred by the District.

3.07 Change of Use

Water Users shall immediately notify the District in writing if the user makes any property changes or improvements that alters the type of water use or the size, character or extent of private water facilities in a manner that would increase or decrease water charges and fees. "Immediately" shall mean at the time a building permit is issued for altering the property or at the time the change of use actually commences (if no permit is issued).

Examples of changes in use include, but are not limited to, the following changes:

1. Improvements that change the classification of use (i.e. changing from residential use to commercial) or add a new classification of use to the existing use (i.e. adding commercial use to an existing residential use.).
2. Improvements that change property use, including, but not limited to, addition of dwelling units, parcel splits, additional buildings, or other possible multiple use divisions.
3. Improvements to the property that, in the opinion of the District, require an increase in water pressure and/or quantity. This includes improvements made to satisfy the Tuolumne County or District fire suppression standards.

At the discretion of the General Manager, changes in use may require the submittal of an amended application for service. A change in use may require payment of additional capacity fees and/or additional or modified service connections. If the change requires an increase in service charges, said increase will be implemented on, or applied retroactively to, the date at which the change of use actually commences. If the change requires a decrease in service charges, said decrease will be implemented at the time the District receives and verifies notification.

Failure to report a change of use, when discovered by the District, may require payment equal to twice the avoided user charges in effect during the period of time since such unauthorized change of use was made and twice the additional connection fee in effect at the time of discovery. Properties found to have unauthorized changes of use may be disconnected or be subject to flow reduction until payment of said payments are paid.

The General Manager, at his/her discretion, may reduce said penalties for changes of use based on the specific circumstances related to the change of use.

3.08 Temporary Suspension of Regular Water Service Rates

At the sole discretion of the General Manager, the District may allow a maximum six-month suspension of monthly service charges in the event that the customer requests services be shut off as a result of a catastrophic event that renders a dwelling unit uninhabitable (such as fire, etc.). Such suspensions will only be granted to customers who have continuously used and maintained their water service in an active billing status for at least one year.

SECTION 4 - BILLING AND ENFORCEMENT FOR NON-PAYMENT

4.01 Billing

Charges for water service will be billed to customers who:

1. Receive water service from the District; or
2. Have capacity allocated to the property, regardless of whether a service lateral or meter has been installed.

A customer account will be billed whether or not the property is vacant, or water is being consumed. No credit or discount will be allowed or approved for any vacant properties regardless of the reason for the vacancy.

4.02 Billing Frequency

Water service charges will be billed on a monthly basis following monthly meter reading, which will be read as nearly as possible at equivalent monthly intervals.

4.03 Delivery of Bills

Bills will be sent physically and/or electronically to the customer at the address of the property owner or tenant (should the property owner agree to have the tenant billed directly). Customer shall be responsible to keep the District advised of the address to which the bills are to be delivered. Non-receipt of a bill shall not relieve the owner of any obligation to the District.

4.04 Direct Billing of Tenants

As a courtesy, property owners that rent or lease property with water service may have the billing sent directly to their tenant or tenant's agent. To accomplish this, the owner shall first complete an Owner – Authorization for Tenant Service which application may be required to be updated from time to time at the District's sole determination. The tenant is then required to complete a Tenant – Water/Sewer Agreement for Service prior to the District changing the billing name and address. Even with completion of both agreements, if the tenant becomes delinquent, the property owner shall ultimately be responsible for all delinquent charges, fees, interest, and penalties. The property owner shall have access to information regarding the account status of their tenant upon request. If tenant becomes more than 30 days delinquent, the District may revoke tenant billing privileges and the account will be closed in the tenant's name and billing will be placed back into the owner's name. Billing will remain in property owner's name once tenant privileges have been revoked.

4.05 Estimated Bills

If a meter fails to register correctly or cannot be read, the bill will be based on the District's estimate of the quantity of water delivered, taking into consideration seasonal water demand and any other factors that are material and significant in arriving at a fair charge.

4.06 Prorated Bills

For bills calculated for less than a full billing period, the bill will be prorated from the first day of the billing period to the date of service or from the commencement of service until the last day of the billing period.

4.07 Bill Payment

Bill payment requirements are as follows:

1. Responsibility: The Property Owner is responsible for the timely payment of all rates, charges and fees related to water service for his/her property, even if the property owner's tenant is a customer.
2. Due Date: Water charges are due and payable to the District on the first working day of each month for service received the preceding month.
3. Delivery of Payment: Customer shall make bill payments to the District in a manner acceptable to the District as provided on the bill and/or the District's website.

4.08 Delinquent Bills

4.08.1 Delinquent Date

Payments shall be considered delinquent at the close of business on the 20th day of the month.

4.08.2 Penalties

Should any bill not be paid in full before becoming delinquent, a one-time penalty charge of ten and one-half percent (10.5%) shall be added. The penalty charge will continue to be added to any new balances that become delinquent until all delinquent charges, fees, penalties and interest are paid in full. Current charges due and payable will not be accepted without payment of all delinquent charges, fees, penalties and interest.

Failure to pay delinquent bills will result in the District placing a flow restriction device on the customer's service connection, as described below.

4.08.3 Delinquent Notices

Delinquent notices shall be delivered as follows:

1. First Notice (15-day): Prior to any service flow restriction for non-payment, the District shall mail a written notice to the customer stating that the bill is delinquent and that water service flow will be restricted fifteen (15) days after the date of the notice. The notice shall provide contact information for the District, the past due amount, and any opportunities to request alternative payment plans through the latest revision of the District's alternative payment plan policy.
2. Second Notice (48-hour): A second notice shall be delivered to the customer, either in person or by mail, forty-eight (48) hours prior to a flow restriction device being placed on the customer's service for non-payment. The notice shall be considered delivered if hung on the door or entry way to the building receiving water service. A separate fee will be charged to the customer for delivery of the second notice.
3. Tenants and Owners: If the property owner and tenant have entered into agreements with the District to have the account in the tenant's name, the first delinquent notice shall be sent to both the tenant and the property owner.

4.08.4 Disputed Bills

Delinquency notices shall inform the customer that any disputed portion of the billing may be reviewed with the General Manager or Finance Director within thirty (30) days of the date of the Notice. The customer shall send a written statement supporting the basis for dispute to the

District office, attention of the General Manager. Billing adjustments may be considered based on a history of no greater than 6 months from the date of most recent billing period.

4.08.5 Payment to Avoid Flow Restriction or Shutoff

To avoid service flow restriction and or shutoff for non-payment, even if the customer has disputed the bill, the customer must provide full payment of the past due amount of the bill prior to the date of flow restriction or shutoff provided in the delinquent notices. Customers may also contact the District to request an alternate payment plan per the District's latest adopted alternative payment plan policy.

4.08.6 Flow Restriction or Shutoff for Non-Payment

If customers fail to pay the past due balance by the date provided in the delinquent notices, the District will restrict flow through or shutoff the customer's service connection due to non-payment. Flow restriction or shutoff shall be subject to the following:

1. Flow Restriction: Flow restriction devices installed on a customer's service line will significantly restrict flow through the service connection. The restricted water flow is considered sufficient to provide for basic drinking, cooking and sanitation needs, although such water may be supplied at an inconvenience to the customer due to the reduced flow rate and pressure.
2. Shutoff: At its option, the District may choose to shutoff services for non-payment. Should the District opt to shutoff services for non-payment, it must adopt and implement a separate shutoff policy that fully complies with the requirements of California law.
3. Restriction/Restoration of Flow: Water service will only be restricted and/or restored from restriction between 8:00 a.m. and 3:00 p.m. on business days (excludes weekends and holidays). After full payment of past due bill balances and fees, the customer may request that water service be restored after hours or on a weekend or holiday. If, at the discretion of the District, an operator is available to make such restoration, the customer may opt to pay a fee to have water service restored.
4. Continued Billing: Customers will continue to be billed normal service charges and rates even if their service connection is restricted or shutoff.

4.09 Alternative Payment Plans, Fee Waivers and Account Credits

The District Board shall adopt, and update as it deems necessary, a policy to provide for alternative payment plans to provide alternatives that help customers avoid service flow restrictions and/or disconnections. The policy shall also provide conditions for waiver of fees and account credits.

4.10 Unpaid Accounts – Property Lien

All unpaid water service accounts may become a lien against the real property to which the service is rendered when the General Manager or the Finance Officer has determined that the recovery of the amount due may be uncertain, then the General Manager or the Finance Officer shall cause to be filed with the County Recorder a Certificate of Lien, setting forth the amount of the delinquent charges, including any interest and penalties therein, the name and address of the property owner.

4.11 Unpaid Accounts – County Tax Roll

The amount of any charges for water service that are delinquent and unpaid for sixty (60) days or more on or before July 1st of each year, shall be added to and become a part of the annual taxes

upon such property, and shall constitute a lien on that property as of the same time and in the same manner as general taxes upon such property. The Finance Officer shall furnish to the County Board of Supervisors and the County Auditor a statement of such delinquent and unpaid charges on or before August 10th of that year and shall provide all other notifications required by law.

4.12 Collection by Legal Action

The General Manager is authorized and directed to institute and prosecute, in the name of the District, appropriate legal action for the collection of the delinquent water rates, charges and fees.

SECTION 5 - SERVICE CONNECTIONS

5.01 Application for Service

Application for water service shall be made in writing on forms provided by the District, and signed by the legal owner of the subject property. Applications shall be supported by plot maps, assessor's parcel number, description of proposed construction, construction type, number of dwelling units, date the service is to begin, the name and billing address of the owner, and where deemed necessary by the District the domestic water requirements in gallons per day.

5.02 New Service Conditions

The following requirements must be met to obtain a service connection:

1. The property to be served must be within the geographical boundaries of the Twain Harte Community Services District, and within or adjacent to an area being served or servable by the District.
2. The property to be served and the proposed location of the new service must be located adjacent to an existing District water main.
3. The District must possess an adequate water supply to provide service to the property, as determined solely by the District. At the discretion of the General Manager, the District may accept an alternative water supply from the Property Owner to provide for adequate water use on the property.
4. The District's Water System must possess adequate capacity and pressure to provide safe and reliable water service and fire protection to the property, as determined solely by the District. Should the determination reveal that the District's existing facilities are inadequate to serve a new connection, the new service or services shall not be allowed to connect into the system unless and until the applicant provides such adequate extension and improvements, including additional water supply, treatment, storage and distribution system, and/or pays capacity charges as required by the District. The location, capacity and design of such extensions and improvements shall be determined solely and conclusively by the District.
5. Use of the service must not significantly impair service to existing District customers.
6. The Property Owner must pay all connection and capacity fees and any other applicable charges and fees. In areas where the District also provides sewer service, the Property Owner must apply and pay connection fees for both treated water and sewer service simultaneously. Service connections will not be installed prior to payment of said fees.

5.03 Guarantee of Applicant

The submission of an application shall constitute the Property Owner's agreement to comply with all the Regulations in this Code and other ordinances, policies and regulations relating to water service, including, but not limited to, the timely required payment for water service.

5.04 Quotes for Service

The District will respond to requests for general information on fee schedules within an area serviced by the District's Water System free of charge. The District will also provide quotes for new service capacity and connection fees for connection of specific properties that can be readily served by the District's Water System. To receive a property-specific quote, applicants must

complete an application for service to determine specific use and service needs. Quotes for service are subject to the following:

1. The District will guarantee quotes for 60 days for new services, where the applicant is the property owner as of the date of the quote.
2. Provision of a quote does not include a guarantee of service.
3. Material differences between an application and the subsequent intended use of District services, as determined by the General Manager, may render the quote invalid.
4. Quotes will not be provided for properties that require an extension of facilities.

5.05 Service Connection Requirements

The following requirements must be met for all service connections:

1. Separate Services per Parcel. A service connection shall not serve more than one parcel. However, the property owner may apply for as many separate services for the same parcel as he/she may reasonably require. The District's General Manager may, at his/her sole discretion, require separate services for each separate dwelling unit or commercial building located on the same parcel. Each service will be subject to normal service charges and fees.

The District reserves the right to limit the number of houses or buildings, or the area of the land under one ownership, to be supplied by one service connection. A service connection shall not be used to supply adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley.

2. Division of Presently Serviced Parcels. When a parcel which is presently serviced by the District is divided into two or more parcels, the existing service connection shall be considered as belonging to the parcel which it directly enters. Prior to delivery of water to the new parcel(s), the new parcel(s) shall require installation of a new service connection, payment of appropriate capacity and connection fees.
3. Meters. Each service connection shall be metered with its own separate meter furnished and maintained by the District.
4. Customer Control Valve. The customer, at his/her own expense, shall install and maintain a control valve on his/her side of the service connection as close as is possible to the meter location, public right-of-way, or easement in which the water main serving the customer's property is located. The customer shall not use the District's service connection valve to turn water on and off.
5. Customer Pressure Regulator. The customer shall, at his/her own expense, install and maintain a pressure regulator or pressure reducing valve shall be installed and maintained by the customer on each connection where the water pressure at the meter exceeds 80 pounds per square inch (psi), per the Uniform Plumbing Code.
6. Backflow Prevention Devices. The customer shall, at his/her own expense, install and maintain a District-approved backflow prevention device to provide protection from hazards getting back into the District's treated water system. Such types of hazards may include, but are not limited to, a separate irrigation system on a property, a business that uses chemicals, a property with a sewage lift station, a cross-connection of potable and non-potable water system, or other potential hazards as determined by law or the District.

5.06 Service Connection Size, Location and Installation

The District will furnish and install a service of such size and location as it approves. The service will typically be installed from its water distribution main to the curb line or property line of the parcel or the edge of District easement. Unless approved otherwise in advance by the District, only employees or agents of the District shall install service connections. Any work the District allows to be performed by others will require District inspection and acceptance.

5.07 Meters

The following requirements apply to all meters:

1. Meter Installation Location. Meters will be located as close as possible to the curb line or property line of the parcel or the edge of District easement. Unless approved otherwise in advance by the District, only employees or agents of the District shall install service connections. All meter installation costs will be the owner's responsibility. No rent or other charge will be paid by the District for a meter or other facilities located on a customer's property.
2. Change in Meter Location. Meters relocated for the convenience of the customer will be relocated at the customer's expense. Meters relocated to protect the District's property will be relocated at the District's expense. If the lateral distance which the customer desires to move the meter exceeds eight (8) feet, the District may require the customer to pay for the installation of a new service connection for the desired location.
3. Size of Meter. The size of the meter will be determined by the District based on the type of use specified in the customer's new service application. With District approval, the customer may determine the size of the meter for each service connection compatible with provisions of the American Waterworks Association Standard as revised at the date of the application.
4. Change of Meter Size. The meter will be replaced by a meter of different size upon the customer request (if approved by the District) or as required by a change of usage. The customer shall be responsible for all costs associated with the meter installation and any upgrades to the service lateral, as required, including, but not limited to the cost of the meter, plus additional connection fees and other fees.
5. Testing Meters. The District will test the accuracy of any meters upon the written request of the customer. Customers shall pay a fee for all such tests. If a meter is found to be working improperly, it will be repaired or replaced by the District and the customer will not be responsible for paying the meter testing fee.

5.08 Cross-Connections and Backflow Prevention

All treated water customers with actual or potential cross-connections with other sources of water supply or sources of possible contamination on their property shall be required to comply with the regulations set forth in the latest revision of the California Administrative Code, Title 17, "Regulations Relating to Cross Connections", which requires periodic inspection and certification of a properly functioning backflow control device to protect the District's water system. The District's requirements for such devices and procedures for installation and testing shall be set forth in the District's Standard Specifications and Details and/or an adopted cross connection management policy. The customer shall be responsible for reimbursing the District for regular inspection and testing of the backflow devices.

Water service may be refused or discontinued to any property where there exists a cross-connection violation.

5.09 Customer Disconnection of Service Prohibited

Once a service line is extended to a parcel, the customer may not disconnect the service under any circumstances and the property owner shall be responsible for all related monthly rates, charges and fees. No refunds of connection or capacity fees shall be allowed. Capacity shall not be allowed to be transferred amongst parcels except through the conditions of approval contained in a development agreement for a subdivision which development agreement is issued by the District.

5.09.1 Exceptions for Certain Projects

At the sole discretion of the General Manager, an exception may be granted for existing service lines not utilized by a development, redevelopment or demolition project. Customers must request such disconnection in writing along with copies of any applicable permits issued by local agencies prior to consideration by the District. In cases where the project does not require a permit, such as in certain demolition projects, a site inspection by the District shall be required. An approved disconnection requires customers to remove, at their expense, the unneeded service line(s) at the main or another location determined by the District Engineer. All capacity, including capacity previously provided by Developers, associated with a disconnected service line shall be permanently forfeited upon disconnection and monthly service charges shall cease upon final approval by the District. Once disconnected, if service is desired at the property in the future, owner shall submit a new service application along with payment of the current connection and/or capacity fees applicable at time of application.

5.09.2 Exceptions for Abandoned Connections

At the sole discretion of the General Manager an exception may be granted under this section for existing service lines where it can be determined, to the District's satisfaction, that service has not been utilized for a period of ten years or more and there is no structure on the property. Customers must request disconnection in writing with documentation demonstrating the property has not been occupied for at least ten years. A site inspection by the District may be required. An approved disconnection requires customers to remove, at their expense, the unneeded service line(s) at the main or another location determined by the District Engineer. All capacity, including capacity previously provided by Developers, associated with a disconnected service line shall be permanently forfeited upon disconnection and monthly service charges shall cease upon approval by the District. Once disconnected, if service is desired at the property in the future, owner shall submit a new service application along with payment of the current connection and/or capacity fees applicable at time of application. This exception shall not apply to commercial properties and will be evaluated on a case-by-case basis for residential properties located within a subdivision where water mains were previously constructed to serve the parcel in question.

5.10 Disconnection of Service by District

The District reserves the right to disconnect any connection to its water distribution system and/or to discontinue or shutoff water service for any of the following reasons, without notice unless otherwise indicated.

1. The customer fails to comply with any of the District's Regulations, after notice by mail or in person;
2. The service is being furnished without proper authorization or application;
3. There is evidence of unauthorized tampering or interference with the District's facilities;
4. The District or a State or County Public Health Officer finds that there exists a known or

potential hazard to the health or safety of the customer or any water user of the District, including hazards resulting from discharges from the customer's private sewer facilities;

5. The customer fails, after notice from the District, to remove an obstruction that prevents access to the water meter;
6. Excessive or wasteful use of water as described in Section 12, after notice by mail or in person that the same be terminated.

5.11 Unauthorized Service Connections

No person shall cause a service connection to be made without prior authorization of the District, and every person who does so shall be guilty of a misdemeanor. Such person may be required to pay a penalty for the unauthorized service connection equal to twice the estimated user's charges in effect during the period of time such unauthorized service connection was made and used and twice the Connection Fee in effect at the time connection is authorized. Such unauthorized connections may be disconnected by District at such person's expense, until such service connection is authorized and the penalties and other charges or fees are paid. The payment penalties as provided herein may be reduced to 25% of the user charges and then-applicable Connection Fee provided such person makes application and pays all charges and fees within ten (10) working days of written notification that such service connection is unauthorized and provided that the connection is not in violation of any other provisions contained herein or as provided by law.

SECTION 6 - EXTENSION OR IMPROVEMENT OF FACILITIES

6.01 Required Extension or Improvement of Facilities

When water is requested for property within the District which does not abut an adequate District water main, an extension or improvement of the District's system shall be required. Extensions or improvements shall include facilities to provide water supply, treatment, storage and distribution as determined solely by the District. Provision of the required elements or payment of in-lieu fees as determined by the District for any element of service not physically constructed or supplied, shall be addressed by agreement between the District and the developer and shall, in all cases, require approval by District Board of Directors. Water service includes fire hydrant installations throughout the Scope of this Regulation.

6.02 Extension or Improvement Application

An extension or improvement of facilities shall be initiated by completing an application and depositing an application fee with the District, as described herein. The application must be signed by the property owner. The application shall become null and void:

1. Three (3) months after the date of the application unless an extension has been granted or improvement of facilities agreement has been signed by the Board of Directors and the developer.
2. Eighteen (18) months after the date of the executed agreement unless construction has been completed, and accepted by District. A maximum twelve (12) month extension of time may be granted upon request of the developer and approved in writing by the General Manager.

6.03 Project Approval

Extension or improvement of facilities applications shall be reviewed by the District Engineer or District Engineer's designate. If further information is required, the developer's Engineer, at the developer's expense, will prepare the additional information needed. The property owner shall sign the extension or improvement of facilities agreement which incorporates the requirements of the District. The agreement will not be effective unless approved by the District's Board of Directors. No additional work shall commence until the agreement has been signed by all parties.

6.04 Environmental Review Charge

Unless any required environmental processing has been done by the County or another agency, the District may determine that an initial study or environmental impact report is required for a proposed extension facility necessary to serve a developer's land. The developer shall be responsible for the costs of preparing such a study and/or report, including associated costs incurred by the District for overhead, preparation, and hearings.

6.05 Design, Installation and Ownership of Facility Extensions

The character and design of the extension or improvement of facilities required to serve any parcel of land shall be determined solely by the District. The developer shall have the facilities designed by a qualified registered civil engineer. All costs associated with facilities design and installation shall be borne by the developer. Design of the facilities shall be in accordance with good engineering practice and not less than the District's Minimum Design Standards. Improvement plans shall be approved by the District Engineer. The facilities shall be installed in accordance with the approved plans and specifications and the District's Standard Plans and Specifications as they exist at the time of approval.

Unless installed by the District, the developer shall have the facilities installed by an experienced, licensed contractor approved by the District. District reserves the right to waive this requirement at its discretion.

All construction materials such as pipe, valves, fittings, concrete, sand, asphalt, etc., shall be supplied in accordance with Standard District Specifications. The District reserves the right to construct, with its own personnel or by contract, taps on existing mains, extensions involving complicated connection to, or interference with the District's existing facilities or other unusual facilities. The developer may be required to furnish an irrevocable letter of credit, bond or other acceptable surety to insure payment for construction of any facilities for which the District assumes responsibility. Upon completion, inspection and acceptance by the District, the facilities shall be owned and operated by the District as part of its water system.

6.06 Sizing of Facilities and Minimum Pressure

Pipeline sizing shall be in accordance with the following:

1. The normal minimum pipeline size for water shall be six (6) inches (except as provided below).
2. The District Engineer or his designate may require larger or allow smaller pipeline size, if in his opinion, a larger size is needed or a smaller pipeline size would be appropriate.
3. Each new distribution system that expands the existing system service connections by more than 20 percent or that may otherwise adversely affect the distribution system pressure shall be designed to provide a minimum operating pressure throughout the new distribution system of not less than 40 pounds per square inch at all times excluding fire flow.

6.07 Location of Facilities

The extension or improvement of facilities shall be located only on land owned by the District in fee, in streets with an acceptable encroachment permit, existing public utilities easements, or in an easement granted to the District. The location is subject to the District's approval of alignment, accessibility and safety of the facilities. The developer shall convey or grant to the District without cost such land and/or easements the District determines necessary for the facilities. The District may also require an easement for future extensions. Land shall be conveyed to the District, free and clear of liens or encumbrances except encumbrances of record that are acceptable to the District. Easements shall be granted in a form satisfactory to the District. The pipeline shall abut all parcels served. An easement shall be granted to District along the entire length of the developer's parcel except in cul-de-sacs, dead-end roadways or other situations where the District determines that the pipeline may terminate and remote service be provided.

6.08 Land Right Schedule

The developer shall provide all land, easements and rights-of-way to the District prior to District acceptance of facilities.

6.09 Payment of Costs

The developer shall pay the District's actual costs including, but not limited to: Engineering analysis, designs, plan review or preparation of environmental impact documents, hearings, review or preparation of improvement plan, construction inspection, as-built drawings, project management and usual overhead expenses allocated to such work. The developer shall deposit District's estimate of engineering review, inspection, and project administrative costs prior to performance of any work by the District. Upon completion of the work, if the amount deposited

with the District is less than actual costs, the difference shall be paid to the District prior to the commencement of service. Any amount deposited in excess of actual cost will be refunded.

6.10 Inspection and Notice of Completion

The District shall inspect the construction of all facilities to be owned and operated by the District. The District will not accept or provide service through a facility which has not been inspected, is satisfactory to and is accepted by the District Engineer.

6.11 Acceptance of Facilities

Upon completion of the construction, final inspection and approval by the District Engineer, submission of as-built drawings acceptable to the District and payment of any outstanding monies due, the project shall be accepted by the District. The District shall then issue proof of service to the County Building Department. The facilities shall be owned, operated and maintained by the District except as otherwise specified in an agreement.

6.12 Warranty Responsibilities

For a period of two (2) years from the date of acceptance by the District, the property owner shall warrant for the repair of all defects, leaks or failure occurring in the facilities, which are, as determined by the District, due to negligence in the manufacture and/or installation of the facilities and not due to improper operation of the system by the District or its agents, acts of a third party or acts of God. Failure by the property owner to pay for any of the repairs described above after being billed by the District may result in a discontinuance of service.

The developer, or the developer's representative, shall submit a two (2) year warranty surety bond, (in form acceptable to the District), certificate of deposit, or irrevocable letter of credit, in an amount established by contract with the District.

6.13 Documentation of Project Costs

The developer shall provide the District with copies of all invoices for materials, equipment, labor and District costs for construction of the portion of the project that is to be deeded to the District. Those invoices shall be marked "PAID" and signed by the developer or his authorized agent, or at District's option an estimate may be prepared at the developer's expense either by the District or by a registered professional engineer establishing the best possible value of the project for accounting, warranty and other purposes.

6.14 Costs Reimbursed by the District

Reimbursement of documented project costs to a developer for extension or improvement of permanent facilities, when other users later benefit from such facilities, shall be subject to a reimbursement agreement. It shall be the intent of this regulation to provide a fair and equitable return to the original developer provided others within an area designated by the District make use of the extended or improved facilities within a ten year period following completion of construction. The District will collect and disburse funds for repayment of verified project costs under the conditions set forth below.

1. The District shall be under no obligation to make any reimbursement payment whatsoever, except as outlined in this section. All questions as to the meaning of any portion of this section shall be as interpreted by the District.
2. Reimbursable facilities must be constructed in accordance with District's standard specifications from plans submitted and approved prior to construction, inspected by the District during and after construction and the costs must be documented to District's

satisfaction.

3. Any applicant within an Area of Benefit designated by the District who requires service through facilities or improvements constructed by others pursuant to a reimbursement agreement and who did not contribute to the cost of construction or required in-lieu fees, shall pay a pro rata reimbursement fee prior to service being supplied, including an Administrative Fee of 3% or \$250, whichever is greater. An area of benefit which identifies parcels having access to the constructed facility or improvement shall be determined by District's Engineer and a map of the area shall be attached as Exhibit A to the reimbursement agreement. In no case shall reimbursement exceed the documented cost of construction less the proportionate share of the project utilized by the original developer. Reimbursement payments required of future applicants for service within the area of benefit shall be based solely upon parcel area according to the following formula:

$$\begin{array}{rcl} \text{Developer's} & \text{Verified Construction} & \text{Area of} \\ \text{Payment} & \text{Cost (dollars)} & \text{Applicant's} \\ \text{Obligation} & \frac{\text{Cost (dollars)}}{\text{Total Area of Benefit}} & \text{Parcel} \\ \text{(dollars)} & \text{(acres)} & \text{(acres)} \end{array} \quad \times$$

Where extensions are constructed in subdivisions, reimbursement amounts may be based on the number of lots within the area of benefit instead of acreage.

4. On an annual date specified in the reimbursement agreement, the District will disburse collected reimbursement funds to the developer without interest. Developer shall keep the District informed of any change of mailing address. If the developer is an entity of more than one individual, District shall disburse funds to a designated escrow account and shall have no responsibility or liability for the further distribution of such funds.
5. The developer's rights to reimbursement funds shall not be transferable or assignable without the express written consent of the District Board of Directors.
6. Any expense for collection, enforcement, disbursement, litigation or any other reason connected with administration of a reimbursement agreement which exceeds the administration fee cited in paragraph four (4) above, may be deducted from reimbursement funds collected by the District before disbursement of the remainder of such funds to the developer.
7. The District will not administer reimbursement from the developer's own existing or proposed parcels or from parcels to be acquired by the Developer.
8. Parcel owners within the area of benefit will not be required to connect to the developer's extension if an alternate route is preferable in the sole opinion of the District.

SECTION 7 - FIRE SERVICE

7.01 Conditions of Service

The District will provide water service for fire hydrants and other facilities used exclusively for fire protection, at such pressures and at such rates of flow, as are available from time to time from the District's operation of its storage, transmission, and distribution facilities. The District shall not be liable for any damage in any manner arising out of the non-availability of adequate water flows or water pressure, at any hydrant or facility used for fire protection.

7.02 Public Fire Hydrants

1. Public fire hydrants may, at the District's option, be installed and connected to the District's mains when requested by the public fire protection entity having jurisdiction, or when required as a condition to the issuance of a building permit or the acceptance by the County Board of Supervisors of a subdivision plat.
2. When a hydrant is installed on an existing main and the construction is to be performed by the District, the applicant shall deposit with the District the estimated cost of labor, materials, engineering, inspection and usual overhead expenses in the installation of the hydrant assembly, hydrant lateral, control valve and the connection to the District facilities.
3. A hydrant may be installed by the applicant with District approval. The installation shall be performed at applicant's expense, by a contractor holding a Class A or C34 license. The applicant shall deposit, prior to installation, the estimated cost of District inspection, engineering and usual overhead expenses.
4. The type of hydrant shall be determined by the District and the site location shall be jointly determined by the District and the responsible public fire protection entity, excluding those hydrants that are installed by the District for the District's sole use as a means of flushing the District's water mains.
5. All installed fire hydrants shall be for the sole use of the appropriate fire district for the suppression of fire and for other obvious protection emergency use. The only exception to this rule is the permitted use, granted by the District, to contractors for construction water, or fire districts for the testing of hydrant flows.
6. All new fire hydrants shall belong to and be maintained by the District with the exception of private fire hydrants which are installed under agreement with the District. Fire hydrants shall be installed within a permanent easement granted to the District or in an existing Public Right of Way. The District will bear the expense of performing hydrant maintenance resulting from normal wear and tear when such conditions are reported by the responsible agency or when otherwise brought to the attention of the District.

7.03 Private Commercial Fire Protection System

In order to operate a private fire protection system the applicant shall fulfill the following conditions:

1. The land to be served is within the geographical area of the Twain Harte Community Services District and within an area served or servable by the District.
2. The Applicant's land has been annexed to the District and has become subject to any bonded indebtedness of the District.

3. The District possesses an adequate supply of water capable of serving a private fire system.
4. The private fire commercial suppression system is for the sole and exclusive benefit and use of the Applicant and is located entirely within Applicant's property.
5. The said private fire suppression system will be connected to an isolated service to be used exclusively for the suppression of fire or for the testing of the fire prevention system.
6. The type and location of the said private fire suppression system has been approved by the responsible fire protection agency.
7. The Applicant assumes full responsibility for all maintenance and repair of the said system from the underground fitting prior to the inlet side of the backflow preventer.
8. The size and design of the service connection, backflow preventer and cold water fire service type meter shall be subject to approval by the District and shall comply with all applicable ISO standards and requirements.
9. The backflow preventer with the bypass meter shall be furnished by the Applicant and installed in compliance with the District's Standards and Specifications.
10. In the event that water is taken through an existing commercial fire service connection for any other use than firefighting or testing, the District reserves the right to disconnect such a system, or in the alternative, to require the installation of an upgraded detector check valve assembly at the expense of the Applicant upon whose land the system is installed.
11. An application for service is required on forms provided by the District, and signed by the legal owner of the subject property.
12. The applicant will be required to maintain a current billing status and pay service charges.
13. Applicants for new commercial fire service connections will be required to install and maintain a backflow prevention device.

7.04 Unauthorized Use of Fire Hydrants

No person, other than authorized fire personnel shall open, or draw water from, any fire hydrant connected to the District's distribution system without prior specific authorization of the District. First violators of this section who withdraw water without authorization shall receive a warning and instruction on proper procedure. Upon second violation, violators shall be \$500 and prohibited from utilizing district bulk facilities for a period of three months. Subsequent violations by the same entity shall be prohibited from utilizing district facilities for a period of one year and shall be fined \$1000 per offense.

SECTION 8 - TEMPORARY SERVICE

8.01 Duration and Payment

Except for construction water services described below, other temporary water service shall be limited to ninety (90) days, after which capacity fees shall be required. Service which does not require installation of a permanent connection shall require the installation of a meter, payment of a total estimated cost of installing and removing the connection and a reasonable security deposit for the meter. Service charges for any temporary service installed pursuant to this section shall be determined in accordance with the rates established by this Water Code.

8.02 Temporary Service Through Fire Hydrants

Temporary service for water used in construction and other temporary needs shall be provided at locations approved by the District through portable meters furnished by the District. The District shall require, as a condition to such service, the payment of a reasonable security deposit for the meter and service charges and rates. Existing customers who have active water service accounts and are current with their account balances may be issued temporary hydrant meters without initial payment of a security deposit.

8.03 Temporary Emergency Connection

Requests for temporary emergency connection to the District water system must demonstrate a serious health and safety related emergency and must be approved by the General Manager. Applicants for emergency connection shall be responsible to pay all costs related to that connection, including without limitation design, construction, in-lieu capacity, connection, and monthly rates in accordance with the then current rate schedule adopted by the District. Multiple requests for the same emergency connection may require permanent connection to the District's water system at the discretion of the General Manager.

SECTION 9 - CONSERVATION

9.01 Conservation Policy

It is the District's Policy to take reasonable and prudent measures to conserve water and energy in the operations and development of the District. The District in its operation shall:

1. Develop pricing structures to encourage conservation of water and energy.
2. Promote through public relations a public consciousness of the need to conserve.
3. Assist customers to optimize efficient use of water.
4. Maintain facilities to conserve water.
5. Design facilities with conservation of water and energy in mind.
6. Construct facilities to conserve or retrieve water and energy.
7. Seek to halt all illegal use of water.

9.02 Water Shortage Contingency Plan

The District shall adopt and update from time to time, a Water Shortage Contingency Plan (WSC Plan) to set forth a plan of action to be followed during the various stages of a water shortage. The WSC Plan shall be used in conjunction with this Water Code to protect and preserve public health, welfare, and safety and minimize the impacts of water supply shortage or other water supply emergency conditions.

9.03 Phased Water Conservation Programs

The District shall have the power to restrict use of District water during any shortage or other emergency, upon the making of any findings or the taking of any other actions that may be authorized or required by law, including Sections 350-359 and 71640-71644 of the Water Code.

9.03.1 Phase I – Ongoing Water Conservation

The District will implement the following conservation measures on an ongoing basis:

1. Education programs.
2. Promotion of water-saving landscaping.
3. Community education programs.
4. Requirement of low-flow fixtures in new developments.
5. Meter and/or flow control for all customer accounts and plant production activities.
6. Maintain tiered water rates for treated water.
7. Prohibit wasteful use of water.
8. Review for accuracy water measuring and/or metering devices.

9.03.2 Phase II – Voluntary Conservation Measures

If the District Board of Directors determines that there is a potential threat of an emergency or water shortage based on forecasted precipitation, snowpack and reservoir levels, or if Tuolumne

Utilities District calls for Phase II conservation measures, the District Board of Directors shall adopt a resolution that:

1. Declares a threat of emergency or shortage exists; and
2. Identifies a water reduction goal; and
3. Implements Phase II conservation measures immediately.

Phase II conservation measures include:

1. Increase public awareness.
2. Prohibit fire hydrant flow testing.
3. Restaurants shall serve water only upon customer request.
4. Voluntary customer water usage reduction:
Notify water customers of low water year, request reduction from previous year's usage, and provide information on conservation methods.
5. Contact high water users:
Contact highest water users to encourage use of water conservation methods.

9.03.3 Phase III – Mandatory Conservation Measures

If the District Board of Directors determines that an emergency or water shortage exists based on forecasted precipitation, snowpack and reservoir levels, or if Tuolumne Utilities District calls for Phase III conservation measures, the District Board of Directors shall adopt a resolution that:

1. Declares a state of emergency for the District service area until such time that the Board of Directors determines that conditions no longer merit Phase III conservation measures; and
2. Identifies a water reduction goal; and
3. Implements Phase III conservation measures immediately.

The meeting to consider the resolution must be a public hearing, providing customers the opportunity to be heard regarding the declaration of water shortage emergency conditions.

Phase III conservation measures include (in addition to Phase II measures):

1. Water reduction goal:
Establish a Phase III water reduction goal based on severity of the emergency, for approval by the District Board of Directors. If Tuolumne Utilities District has declared Phase III conservation measures, the District's water reduction goal must match or exceed the water reduction goal identified by Tuolumne Utilities District. The water reduction goal may be updated as conditions change.
The water reduction goal is defined as a percent reduction of the prior year's water usage. The water reduction goal may not exceed 50%.
2. Landscape watering restrictions:
 - a. Watering of lawns, gardens and other outdoor vegetation by use of irrigation systems, hoses, faucets or other outlets connected to the public water supply is prohibited, unless specified otherwise below.

- b. Individual garden plants or trees may be irrigated only by the use of buckets, containers or properly maintained irrigation drip systems.
 - c. Watering lawns is allowed whenever the reduction goal is 40% or less.
 - d. Landscape watering allowed under this section may only be undertaken at the following times:
 - i. Properties with addresses ending in an even number may irrigate only on Thursday and Sunday.
 - ii. Properties with addresses ending in an odd number may irrigate only on Wednesday and Saturday.
 - iii. Irrigation may only occur between 7:00 p.m. and 9:00 a.m.
 - e. Irrigation which results in water running onto driveways, gutters, streets, adjoining property, and/or any other water runoff is prohibited.
3. Washing of cars, boats, trailers, equipment or other vehicles by hose or by use of water directly from faucets or outlets connected to the public water supply is prohibited. Washing such vehicles may occur at District-approved commercial washing facilities that utilize water recycling capabilities.
 4. Washing of sidewalks, walkways, driveways, patios, parking lots, graveled areas, tennis courts or other hard-surfaced areas, including commercial establishments, by hose or by use of water from faucets or other outlets connected to the public water supply is prohibited.
 5. New construction service applications shall be granted upon condition that water shall be used only for interior purposes and landscaping that does not require watering. Any landscaping requiring the use of water shall be delayed until repeal of Phase III restrictions.
 6. Use of water in decorative fountains, pools, recreational ponds and the like shall be limited to the minimum necessary to preserve aquatic life if present.
 7. Use of water for dust control, earth compaction, and other outdoor construction activities is prohibited.
 8. Filling of new or existing swimming pools, spas and recreation ponds is prohibited.
 9. Fire hydrants shall be used only for emergency purposes.
 10. Leak Restrictions:
 - a. Allowing any plumbing system leak to remain un-repaired, without reasonable cause, for seven calendar days following written notification by the District is prohibited.
 - b. Failure to repair leaks as specified is subject to the following special enforcement:
 - i. Water service will be shut off until such time that leak(s) are repaired.
 - ii. Reinstatement of water service will be subject to the fees listed on the District's most current rate schedule.

11. Excessive Water Use:

- a. Excessive water use, without reasonable cause, is prohibited.
- b. Excessive water use is defined as monthly water use that exceeds a certain percentage of the prior year's usage for the same month. This percentage varies based on the reduction goal and is determined by the following chart:

Reduction Goal	Excessive Use Percentage
20 to 25%	90%
30 to 35%	85%
40 to 45%	80%
50%	75%

Example: If the reduction goal is 40%, excessive water use is monthly use that exceeds 80% of last year's monthly use.

- c. Monthly water use less than 3,000 gallons will not be considered excessive.
- d. Commercial and industrial customers may contact the District to discuss the individual water needs required to maintain their business.
- e. Excessive water use is subject to the following special enforcement:
 - i. First Violation. Payment of a \$50 penalty.
 - ii. Second Violation. Payment of a \$100 penalty and customer's service will be restricted by a flow restriction device for 30 days.
 - iii. Third Violation. Payment of a \$500 penalty and customer's water service will be restricted by a flow restriction device until the Board of Directors repeals the state of emergency or threat of emergency or shortage.
 - iv. Continued Violation. Payment of a \$500 penalty and continued water service restriction. District may pursue misdemeanor charges pursuant to Water Code 71644, resulting in 30 days in jail, or a \$600 fine, or both.

9.03.4 Phase IV – Mandatory Conservation Measures for Extreme Emergency

If the District Board of Directors determines that an extreme emergency or water shortage exists based on forecasted precipitation, snowpack and reservoir levels, or an emergency event, or if Tuolumne Utilities District calls for Phase IV conservation measures, the District Board of Directors shall adopt a resolution that:

- 1. Declares a state of emergency for the District service area until such time that the Board of Directors determines that conditions no longer merit Phase III conservation measures; and
- 2. Identifies a water reduction goal; and
- 3. Implements Phase IV conservation measures immediately.

The meeting to consider the resolution must be a public hearing, providing customers the opportunity to be heard regarding the declaration of water shortage emergency conditions.

Phase IV conservation measures include (in addition to Phase III measures):

1. Water reduction goal:

Establish a Phase IV water reduction goal based on severity of the emergency, for approval by the District Board of Directors. If Tuolumne Utilities District has declared Phase IV conservation measures, the District's water reduction goal must match or exceed the water reduction goal identified by Tuolumne Utilities District. The water reduction goal may be updated as conditions change.

The water reduction goal is defined as a percent reduction of the prior year's water usage. The water reduction goal may not exceed 50%.

- 2. Immediately notify appropriate media outlets, and post local road signage notifying the public of the current water use restrictions.
- 3. Landscape/outdoor watering by hose or by use of water directly from faucets or outlets connected to the public water supply shall be strictly prohibited.
- 4. New construction services shall not be started until after the repeal of Phase IV restrictions.

5. Excessive Water Use:

- a. Excessive water use, without reasonable cause, is prohibited.
- b. Excessive water use is defined as monthly water use that exceeds a certain percentage of the prior year's usage for the same month. This percentage varies based on the reduction goal and is determined by the following chart:

Reduction Goal	Excessive Use Percentage
20%	90%
25%	85%
30%	80%
35%	75%
40%	70%
45%	65%
50%	60%

Example: If the reduction goal is 40%, excessive water use is monthly use that exceeds 70% of last year's monthly use.

- c. Monthly water use less than 3,000 gallons will not be considered excessive.
- d. Commercial and industrial customers may contact the District to discuss the individual water needs required to maintain their business.
- e. Excessive water use is subject to the following special enforcement:
 - i. First Violation. Payment of a \$50 penalty and customer's service will be restricted by a flow restriction device for 30 days.
 - ii. Second Violation. Payment of a \$100 penalty and customer's water service will be restricted by a flow restriction device until the Board of Directors repeals the state of emergency or threat of emergency or shortage.
 - iii. Third Violation. Payment of a \$500 penalty and continued water service

restriction. District may pursue misdemeanor charges pursuant to Water Code 71644, resulting in 30 days in jail, or a \$600 fine, or both.

9.04 Enforcement

In addition to any and all lawful remedies, violations of this section shall result in the following penalties, unless special enforcement measures are otherwise specified:

1. First Violation:
Customer will receive a written warning from the District that a further violation will result in water restrictions and penalties.
2. Second Violation:
Customer's water service will be restricted by a flow restriction device for 30 days. The device will be removed upon payment of the reconnection fee established in the District's Schedule of Rates and Charges.
3. Third Violation:
Customer's water service will be restricted by a flow restriction device until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of the reconnection fee established in the District's Schedule of Rates and Charges.

9.05 Variances

Variances may be granted from any of the above regulations by the General Manager upon application in writing stating the detailed circumstances meriting special consideration. Appeals of decisions by the General Manager may be taken to the Board of Directors.

9.06 Low Water Use Plumbing Fixtures Required

All applicants for new water service connections for new construction shall be required to furnish proof of installation in residential, commercial and/or industrial buildings, ultra-low flow toilets and shower heads per the latest low flow standards.

SECTION 10 - MISCELLANEOUS AND ENFORCEMENT

10.01 Interpretation Authority

The General Manager is authorized to make interpretations of this Water Code.

10.02 Enforcement of this Code

The General Manager, or his/her designee, are authorized by Government Code sections 53069.4 and 61064 to cite violators of District Ordinances, including all provisions of this Water Code, and they shall perform the aforementioned task in a professional manner without malice or personal bias.

10.03 Unlawful Acts

The District will cause the prosecution of all violations of Sections 498, 624 and 625 of the Penal Code of the State of California and all Ordinances and Codes which make the interference with the orderly supply of water to the District users a crime.

10.04 Penalty

Any person or entity violating any of the provisions of this Water Code shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment, including any court costs incurred.

10.05 Appeals

Any person or entity dissatisfied with an imposed condition or decision of the General Manager or other authorized District employee relating to any subject covered by this Water Code, may appeal to the District Board of Directors.

All appeals shall be submitted in writing to the District within 30 days after the party has been made aware of the decision. The written appeal shall clearly state the following:

1. Identity of the appellant and their interest in the decision.
2. The decision or imposed condition being appealed.
3. Specific reasons why the appellant believes the decision or conditions imposed were unjustified or unappropriated.
4. A statement of appellant's goal or desired outcome of proposed Board action regarding the appeal.

10.06 Supersedes

This Water Code shall supersede all prior Ordinances related to the District's water system and water services and all said prior Ordinances are superseded by this Water Code.

10.07 Severability

If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of such provisions to other persons or other circumstances shall not be affected.

EXHIBIT A - AMENDMENTS