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**ORDINANCE NO. 22-03
(Repealing and Replacing Ordinance No. 17-01)**

**SOQUEL CREEK WATER DISTRICT, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA
ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE BY THE DISTRICT**

THIS ORDINANCE is adopted in light of the following facts and circumstances, which are hereby found and declared by the Soquel Creek Water District ("District") Board of Directors:

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources to be put to beneficial use, and therefore waste or unreasonable use or method of use of water must be prevented and conservation of water must be fully exercised with a view to the reasonable and beneficial use thereof; and

WHEREAS, the adoption and enforcement of this Ordinance is necessary to describe and define the water service-related functions of the District, the obligations of the customers of the District, metering and cross-connection requirements, maintenance standards and requirements, billing and payment methodologies, rates and charges, customer options for disputed charges, discontinuation of service; and the disposition of the District's funds received from water rates and charges; and

WHEREAS, the District has the power to perform all acts necessary to carry out the provisions of this Ordinance consistent with Section 375 and Sections 31001-31029 of the California Water Code; and

WHEREAS, as changes are deemed prudent, this Ordinance may be revised or modified by Ordinance or Resolution; and

WHEREAS, this Ordinance No. 22-03 rescinds and replaces Ordinance No. 17-01, Establishing Rules and Regulations for Water Service by the District.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Soquel Creek Water District as follows:

ARTICLE I

Section 1. Ordinance 17-01 Rescinded

Ordinance No. 17-01 is hereby rescinded.

Section 2. Short Title

This ordinance shall be known and may be cited as Soquel Creek Water District Rules and Regulations.

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Section 3. Separability

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE II

Section 1. Definition of Terms

Applicant: An individual, business, corporation, or government entity agency applying for water service.

AWWA: American Water Works Association

Board of Directors: The Board of Directors of the Soquel Creek Water District.

Commercial service: Provision of water to premises where the customer is engaged in trade.

Conditional Will Serve Letter: Document provided by the District to Applicant for new water service confirming preliminary availability of water service for land use planning, permitting and other related purposes.

Cross connection: Any actual or potential unprotected connection between the water system from the District service connection and any other unapproved water system or source.

Customer: An individual, business, corporation, or government entity receiving water service from the utility.

Date of presentation: The date upon which a bill or notice is mailed or delivered personally to the customer.

Dedicated irrigation service: Provision of water to premises through a separate meter used exclusively for irrigation.

District: The Soquel Creek Water District.

District service connection: The pipe, valves, and other facilities by means of which the utility conducts water from its distribution mains to and through the meter, and meter spud up to the customer's service line. For services with detector check meters on backflow devices, the District's owned portion of the service connection is from the main to the customer's property line unless otherwise noted in a new service agreement and a utility easement.

Domestic service: Provision of water for household residential purposes, including water for landscape irrigation, watering livestock; washing vehicles; and other similar and customary purposes.

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Fire protection service: Provision of water to premises for automatic fire protection and/or for privately owned and maintained fire hydrants.

Land Use Agency: The central authority with jurisdiction to regulate the use of land within a given area.

Mains: Distribution pipelines located in streets, highways, public ways, or private rights of way which are used to serve the general public.

Municipal or public use: Provision of water to a municipality or other public agency.

Premises: The integral property or area, including improvements thereon, to which water service is or will be provided.

Rate and fee schedules: The effective rates, fees, rentals, charges, and regulations, as set forth herein.

Temporary service: A service for construction work, landscape rehabilitation and similar uses, that because of their nature will not be used steadily or permanently.

Unconditional Will Serve Letter: Document provided by the District to the Applicant for new water service confirming District Board Approval guaranteeing water service to premises.

Section 2. Service Area

The District's service area comprises the area within the boundaries of the District, and such areas outside as the Board may designate, subject to land agency formation commission approval. Water service shall be furnished by the District only to property located within said service area. Water service provided by the District may be restricted per the requirements of the District's Water Shortage Contingency Plan.

Section 3. Description of Service

A. Statement of Policy

The District will endeavor, so far as is reasonably possible, to deliver a continuous supply of water to the customer at a sufficient pressure at the meter, and to avoid any shortage or interruption in delivery. From time to time, it may be necessary for the District to shut off the flow of water in any portion of the District's system. Except in emergencies, such interruptions will not be made without attempt to provide prior notice to the customers affected.

If, in the opinion of the District, it is doubtful that satisfactory water service can be given, due to location or elevation of the premises, then the District may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient or excessive pressure, inadequate volume of water or intermittent supply. The said release shall, without further notice from the District, remain in effect for all consumers taking water through the service, until

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changes, extensions or betterments may be made to the distribution system by the District. The minimum operating pressure in the water main at the user service line connection throughout the distribution system shall not be less than 20 psi at all times.

The customer's responsibility for his or her own water system begins at the customer's water meter. All connections, pumps, tanks, chlorinators, or other appurtenances installed at any point in the line between the meter and the customer's water outlets shall be the sole responsibility of the customer, both as to the original installation and as to the maintenance and upkeep. Such installations must be approved by the District.

Nothing in this Ordinance shall be construed as a contract on the part of the District to furnish its water for any definite period, or as a public utility in respect to any water furnished outside the District.

B. Quality

The District will endeavor to supply safe and potable water at all times.

C. Classes of Service

All services installed by the District will be classified as follows:

1. Residential – Single and Multi-Family
2. Commercial
3. Irrigation
4. Public fire protection
5. Private fire protection

D. Types of Service

All services will be metered.

E. Resale of Water

No customer shall resell any of the water received by them from the District, nor shall such water be delivered to premises other than those served by the meter associated with the customer's account.

Section 4. New Service and Modifications of Existing Services

A. Application for Water Service: Issuance of Will Serve letters

Each applicant for water service must submit a New Water Service Application Request and pay a filing fee in order to initiate the Will Serve process to obtain water service. Applicant or applicant's designee(s) will coordinate with District staff and the pertinent land use agency to determine appropriate new service conditions, metering requirements, infrastructure details, fees, and the like.

The New Water Service Application Request is merely a written request for service. It does not guarantee final water service approval. Final approval and service installation is contingent upon fulfillment of new service requirements as set forth by District policy effective at the time of application and fulfillment of any applicable conditions of service that the District may adopt prior to granting water service.

Upon request, and upon the District's approval of the applicant's New Water Service Application Request and the applicant's payment of any applicable fees, the District may issue a Conditional or Unconditional Will Serve letter to an applicant.

B. Change in the Class of Service or Modifications to Existing Premises

Modifications to premises, including construction of additional structures, increases in building square footages, changes in commercial, residential and/or landscape use, change in the underlying class of service requested, and any other changes to premises approved by the land use agency may require change in meter size, additional metering and/or backflow protection in accordance with applicable District policies including compliance with the requirements of the Will Serve process.

Customers making any material change in the size, character or extent of the equipment or operations utilizing District 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, comply with the requirements of the Will Serve process.

C. Services to Separate Premises, Undeveloped Premises, and Non-Permanent Structures

Separate premises must be supplied through individual service connections, except where otherwise provided by law. Undeveloped parcels cannot receive water supplied by another parcel and can only receive water when developing the parcel in accordance with the District's Will Serve process. Non-permanent structures, such as but not limited to motor homes and trailers, are not eligible to apply for District water service.

D. Right to Require Additional Information or Agreement

The District reserves the right to request additional information from an applicant beyond that contemplated in the New Water Service Application Request, or to require an applicant to enter into an additional water service agreement when appropriate due to the nature of a particular service request.

E. Metering Requirements for New Construction

1. New Residential and Non-Residential Units

All residential dwelling units and non-residential units constructed after August 20, 2002, shall be supplied through individually metered service connections, supplied and monitored by the District, except as prohibited by law, or by Board approved

variance. Submetering does not meet the District's standards, unless as approved by variance.

Each meter required under this section is subject to the District's related charges.

For existing multiple unit projects constructed before August 20, 2002, that are supplied through a single service connection, the responsibility for payment of charges (for all water furnished to combined units) must be assumed by the owner of said premises.

2. New Landscapes

Rules and regulations regarding the separate metering of landscape water use are as detailed in the current Outdoor Water Use Efficiency Ordinance.

F. Metering Requirements when Separating Existing Service or Changing Use

1. Existing Residential Water Use

Existing duplexes and triplexes which were built before 2002 and are served by a single meter may request separation of their services without additional Water Capacity charges. The size of the additional meter(s) will be determined by the size and fixture count of the unit which will be served by said meter. The additional water meter will be subject to meter installation charges and any applicable service and/or water quantity charges.

All other separations of service of residential dwellings shall be required to pay water capacity fees in addition to meter installation and service and water quantity charges. If the existing meter will be downsized or removed, Water Capacity credit will be granted for the removed meter.

2. Existing Landscape Water Use

Existing commercial, institutional and multi family services may be separated to facilitate installation of dedicated irrigation meter service to the premises, without additional Water Capacity fees. The additional irrigation water meter will be subject to meter installation charges and any applicable service and/or water quantity charges.

Customer may submit a request to the District that the previous master meter be downsized to account for decrease in demand, after customer has engaged in proper consultation with a professional civil engineer or architect and obtained approval from the fire department, as needed for shared private fire protection systems. Requests for such downsize in the master meter are subject to final approval by the District.

3. Existing Commercial Water Use

Commercial and institutional services seeking to separate their existing water services are subject to additional water capacity fees. The size of the additional

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meter(s) will be determined by the size and fixture count of the unit which will be served by said meter. The additional water meter will be subject to meter installation charges, service and water quantity charges.

Commercial entities currently on a shared meter may be required to separately meter if a change in use results in a higher flow and/or volume on the current shared meter than is supported.

G. Service to Fire Protection

Fire protection equipment such as hydrants or fire sprinklers shall not be served by a domestic, irrigation, commercial or any other service other than a dedicated fire service.

H. Extension of Service

1. To New Customers Other Than Subdivisions

Mains will be extended to serve new customers under the terms and conditions set forth in the District's Main Extension Policy. No main extension will be made by the District except on an approved dedicated street, alley, or recorded easement.

Prior to construction of any extension to the main, every applicant for water service relative to that extended main shall enter into a written form agreement for such extension and shall deposit with the District the amount and required bonds described in said agreement. Should the District desire to install facilities greater than are needed to meet said service demands, the cost of the excess size of facilities shall be assumed by the District.

2. Main Extensions to Subdivisions

Where water main extensions are required for subdivisions, it will be the responsibility of the owner or subdivider to complete the requisite applications and pay the cost for complete installation of all water facilities required within the subdivision and for extension of water transmission mains from the subdivision to the nearest existing main of adequate capacity for the area to be served. Such transmission mains shall be subject to all District Rules and to any and all modifications and supplements to said regulations. Upon official acceptance by the District, the District shall assume full ownership, maintenance, and control of such mains.

I. Service Connections

The District will approve installation of a service of such size and at such location as the applicant requests, provided such requests are reasonable. The service will be installed from the District's 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 or easement. Only duly authorized employees or agents approved by the District will be permitted to install a service connection from the District's main to the customer's premises.

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Charges for new or expanded service are payable in advance and shall be as fixed by the Board of Directors by resolution, ordinance, or policy.

The service connection, whether located on public or private property, is the property of the District, and the District reserves the right to relocate, repair, replace and maintain it, as well as to remove it upon discontinuance of service.

J. Meters

Water meters are part of the District's water distribution system. Installation, relocation, or removal of water meters, and connection to and disconnection from the District's system, shall be made only by District employees or agents.

Meters will be installed at or near the curb or at the property line unless the configuration of the lot does not allow for that location, at which time another suitable location will be chosen at the determination of the District and shall be owned by the District.

No rent or other charge will be paid by the District for a meter or other facilities, including housing and connections, located on a customer's premises.

K. Change in Location of Meters or Services

Meters or services moved for the convenience of the customer will be relocated at the customer's expense. These costs include the costs associated with building the new service, as well as abandoning the old service at the Distribution Main or as directed by the District. Meters or services moved to protect the District's property or to solely serve the District's interests will be moved at District expense.

L. Meter Downsizing or Upsizing

1. At Customer Request

Customers may request the downsizing or upsizing of their existing meter(s) by written application to the District. The cost for this service will be on an actual cost basis. The District may require the customer to place a deposit for a portion of or the entire amount of the service before starting work. Capacity fees are not required on downsizing. Customer forfeits water capacity credit when electing to downsize their service line unless the downsize is part of a change in use or development project where that water capacity is applied towards the new metering requirement.

2. District Initiated

If the premises receiving water service no longer qualify for the current size of the meter serving said premises, the District reserves the right to decrease or increase the size of the meter without the consent of the customer. The District may also require an upsize to the meter if the customer's water use exceeds the presently allowed flow and/or volume of the customer's meter. The District will make a

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reasonable attempt to notify the customer in advance and coordinate a schedule for the work. However, if after thirty (30) days from the first notification to the customer no response has been received, the District will schedule and complete the work at its convenience. The cost for this service will be on an actual cost basis and will be at the customer's expense.

Section 5. Inactive Services

With the exception of fire service, customers may elect to use no water through any meter classified for specific purposes to the premises. In such cases, customer must continue payment of any billed charges regardless of duration of zero use. Inactive services, in which a service is installed but no water is being used and no recurring billing charge is being paid by customer, are not considered valid existing services for the purposes of determining new water service requirements.

In the event no water is being used on a service and the billing charges are not being paid for one year, District can determine that the service is abandoned. Once service has been abandoned, the District may, at its discretion, physically abandon the service and remove its meters or other appurtenances in the interest of maintaining the integrity of its distribution system. All costs of abandonment shall be charged to the customer.

If, after said removal, water service is subsequently requested by the same property owner for the same address or location, service will be resumed only upon payment of the following:

1. All regular billing and other charges that were delinquent at the time of removal of the meter or other appurtenances.
2. All fees associated with a new service, in accordance with the District's Will Serve process.

Section 6. Temporary Service

Temporary service and/or water for multi-unit construction and landscape rehabilitation and the like will be approved or denied on a case-by-case basis in accordance with applicable District policy.

Charges for water furnished through a temporary service shall be at the rates set in the most updated District rate ordinance.

Section 7. Customer Control Valves and Pressure Regulators

The customer shall install a suitable control valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the service. The operation by the customer (or their agent, contractor, etc.) of the curb stop valve at the meter box is not permitted. Only District staff are authorized to operate the curb stop.

The District may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient or excessive pressure. Where reduced or increased pressure is desired, the customer shall be responsible for installing and maintaining the necessary regulators,

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pumps and relief valves. In such cases, the equipment shall be installed on the customer's side of the meter and at their own risk and expense in such a manner as not to endanger the water system.

Customer installed equipment may also require the customer to install a backflow prevention device as detailed in Section 8 Cross Connections.

Section 8. Cross Connections

A. Statutory Authority

The District regulates cross connections pursuant to Title 17, Chapter V (as may be renumbered or amended from time to time) of the California Administrative Code, entitled "Regulations Relating to Cross- Connections."

Title 17, Section 7583 of the California Administrative Code states, among other things, "The Water Purveyor has primary responsibility to prevent water from unapproved sources, or any other substance, entering the public water supply system." The District is a water purveyor within the meaning of Title 17.

In order to provide for an orderly and adequate means of protection of the District's water distribution system from backflow, the requirements set forth below are hereby determined to be reasonable and necessary. The District adopts these requirements for the protection of the District's water distribution system from backflow. New water service connections shall be installed and existing water connections shall be modified to conform to these requirements as set forth in this ordinance and any other applicable District policies.

B. District Requirements

To comply with the regulations of Title 17, California Administrative Code, the District will require the installation of approved backflow protection assemblies at the expense of the customer before service will be granted under any of the following conditions:

1. Premises having an auxiliary water supply.
2. Premises which use a booster pump.
3. Any premises on which any toxic substance in toxic concentration, or any material dangerous to health is, may be handled.
4. Any premises on which a substance which would be objectionable if introduced into the District water supply is, or may be handled.
5. Any service to any sewage treatment plant pumping station, or any other premises involved in the handling of sewage, wastewater, or recycled water.

C. Customer Responsibility

Customers are prohibited from making or allowing any cross connection that could permit a backflow of water or other substance into the District's system. Water service shall not be furnished unless each customer has, at his/her own expense, installed any and all backflow

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prevention assemblies required in this section. Once installed, the customer must keep said assemblies in good working order and safe condition. The District shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interference with, any protective assembly by any customer or any other person. The type of protective assembly required shall be determined by the District and in accordance with the degree of hazard.

D. Inspections, Recordkeeping, Cost Responsibility

The customer on whose premises any backflow prevention assembly is installed shall have such assembly inspected and tested annually by a person approved of by the District to perform such inspections and tests. The testing and repairs shall be done solely at the expense of the customer. If successive inspections and tests disclose repeated failures in the operation of any assembly, the District may require more frequent inspections and tests. Records of tests shall be reported to the District Cross-Connection Control Specialist.

If a customer fails to have any of the inspections and tests made, as required herein, or to make the above described records available, the District shall have the right to inspect and test the assembly and the customer shall pay the cost thereof. The cost of any inspection or test made by the District shall be included as part of the next ensuing bill presented to the customer.

E. New Service

No water service connection shall be installed on the premises of any customer unless the District water supply is protected as required by this Section.

F. Service to be Discontinued

Water service to the premises of any customer may be discontinued by the District if any protective assembly required by this Section has not been installed, inspected, tested, and maintained, or is defective, or has been removed or bypassed.

Water service shall be disconnected immediately and without notice to the customer if the District determines that the District water supply is being contaminated or is in immediate danger of contamination.

Water service shall not be resumed until any protective assembly required by this Section and approved by the District has been properly installed or until conditions at the customer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the District.

G. Notice and Extension

Water service shall not be discontinued until written notice thereof has been given to the customer unless the District determines that the District water supply is being contaminated or is in immediate danger of contamination.

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The notice shall state the conditions or defects which must be corrected and the date on or after which water service will be discontinued, which shall not be less than fifteen (15) days or more than ninety (90) days following the date of mailing the notice.

The District may grant the customer an extension of an additional period not to exceed ninety (90) days, upon a showing of good cause.

H. Non-testable Backflow

The District may require customers with non-testable backflow prevention devices to either provide proof that the backflow prevention device is in working order or replace the non-testable device with a device that meets current standards and is testable. Consistent with the requirements of this section, the customer is responsible for the cost to bring the device up to current standards. Customer shall have 12 months to replace a non-testable device. If the District determines that a public health threat is imminent due to a suspected failed backflow prevention device, the District can require the device to be replaced immediately.

I. Water Pressure Fluctuations causing Reverse Flow

In cases where water pressure fluctuations cause flow in the reverse direction and increase the risk of water backflowing into the District's distribution system, and in the absence of other site characteristics which require a backflow prevention device, the District may require customers to install a lead-free single check valve at a suitable location between the house valve and the meter in lieu of a backflow prevention device.

Section 9. Maintenance

A. Access to Premises

In accordance with California Water Code section 35404, as may be amended or renumbered from time to time, the District and its duly authorized agents shall at all times have the right to enter or leave the customer's premises for any purpose properly connected with the service of water to the customer. Efforts will be made to notify the customer in advance of the District or its authorized agents entering the premises but notification is not required.

Any inspection made by the District or its agents on plumbing or appliances or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge.

B. Responsibility for Equipment

The customer shall, at their 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 water equipment, or the negligence, want of proper care or wrongful act of

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the customer or of any of their tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

C. Damage to District Property

The District is the only entity permitted to turn off the meter at the curb stop valve, handle the meter, or perform any other act or service with respect to the District's system, including meters.

Any person who tampers or interferes with any part or component of the District's system, including a water meter, or causes or permits any act of tampering or interfering with the system, including breaking or interfering with locks on or near a meter or otherwise causing damage to the water meter, shall be liable for any injury or damage caused thereby or resulting therefrom, and may be subject to appropriate civil and/or criminal penalties, including cost recovery by the District.

D. Service Connection

The service connection, including the connection from the water main to the meter, the meter spud, and the meter box, will be repaired and maintained by the District at its expense, unless damage has occurred due to customer action in which case the customer is liable for the cost of the repair. The District is not responsible for the installation and maintenance of water lines beyond the end of its service. The repair and replacement of all equipment on the customer side of the meter, not including the meter spud, is the responsibility of the customer. Water lost by failing customer equipment or negligent or impermissible operation of equipment by the customer will be charged as consumption.

E. Inaccessible Meter

Meter boxes must be kept clear of any and all vegetation, landscaping, paving or other covering to ensure access by the District at all times. If needed, the District has the right to restore access to the meter through removal of vegetation or other covering or may require customer to do so at their expense. While efforts will be made to notify customers in advance of District staff taking action to restore access to the meter, it is not required

F. Service Lines

Service lines from the District meter spud to the customer 's point of use shall be maintained by the customer such that routine meter maintenance by District staff does not cause breakage of customer's equipment.

G. Interruptions in Service

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Temporary shutdowns may be required by the District for improvements and repairs. Whenever possible, and as time permits, all customers affected will be notified prior to 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, fire, power outages, strikes, riots, war or any other cause not within its control. The District, whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right temporarily to suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be completed as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers.

H. Ground-wire Attachments

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

Section 10. Notices

Notices from the District to a customer may be delivered by mail, telephone, text, doorhanger left at the customer premises, emailed to the addressee(s) on file with the District, or a combination of any of the above or any other means that may become available with the adoption of new technology.

Section 11. Billing

A. Customer's Request to Establish a Billing Account

A customer may establish a utility billing account by contacting the District and verifying their identity through a Social Security Number, government issued photo identification, or other method that complies with the District's Identity Theft Policy.

A customer may not open an account for another person.

A customer may open a joint account or add an authorized user to their account as long as the proposed additional user can first verify their identity through a pre-established security password set by the customer before account information is released. Once their identity is verified, the joint account holder or authorized user has the authority to change contact information and discontinue an account without confirmation by the original account holder.

B. Customer's Request for Billing Account Discontinuance

A customer may have their water service discontinued by notifying the District reasonably well in advance of the desired date of discontinuance. They will be required to pay all water charges until the date of such discontinuance.

If notice is not given, the customer may be required to pay for water service for up to three days after the District has learned that the customer has vacated the premises or otherwise has discontinued service to the account.

C. Utility Billing (UB) Deposits

1. Establishment of Creditworthiness for Utility Billing (UB)

Customers who do not provide a social security number will be required to verify identity with another form of identification and establish account creditworthiness through a deposit. The amount required to establish creditworthiness for a UB account shall be calculated as follows: twice the estimated average of a recent bill typical for that parcel, based on the rate ordinance in effect at the time the UB account is established.

2. Unpaid or Delinquent UB accounts

Deposits prescribed herein may be required for unpaid utility bills when:

- an account has been shut off for nonpayment
- an account has been delinquent for more than 90 days
- a returning customer has a poor credit history with the District

The District will require returning customers to pay all outstanding bills and late fees, and establish a deposit as prescribed herein, before establishing a new UB account.

3. Refund or Disposition of Deposits

Deposits, less the amount of any unpaid water bills, will be refunded, without interest, on discontinuance of the UB account.

D. Utility Bills and Payment

1. General

Each customer receiving service from the District assumes all responsibility and liability for charges incurred under this Ordinance or other policy of the District, including all utility bills charged hereunder, until said customer notifies the District, as provided herein, of discontinuation of service.

2. Meter Reading Frequency

Meters will be read at regular intervals for the preparation of regular bills, and as required for the preparation of opening bills, closing bills and special bills. Meters are also read each time a meter is turned on or off.

3. Obstructed Meters

When a meter is covered or otherwise inaccessible due to the customer's failure to keep it clear, the District will notify the customer in writing of the corrective action required. If the customer does not correct the inaccessibility within the specified time, the District will make the corrections at customer expense. During the period of inaccessibility, the District may estimate water consumption and render a bill based on such estimated

amount. Adjustment to the consumption will occur at the next regular meter reading cycle.

If a meter cannot be read due to natural disaster, malfunction, or radio signal interruption, the District may estimate the read based on prior account or meter usage history.

4. Combined Meters

Each meter on a customer's premises will be read separately and the readings of two or more meters will not be combined, unless done so for the District's operating convenience. The billing service charge for such combined meters will be based on the diameter and capacity of the largest service line.

Combination water and fire services will be read separately and the readings of two or more meters will not be combined. The billing service charge for water service will be based on meter size; the charge for fire service will be based on the diameter and capacity of the fire service line.

Section 12. Water Rates and Charges

A. Service Charge

The service charge for each residential, commercial, irrigation, and fire service within the District, which may be charged in addition to utility billing for actual water use, shall be fixed by the Board of Directors from time to time and set forth by ordinance.

B. Billing Period

Bills for water service will be issued monthly.

C. Opening and Closing Bills

Service charges for both opening and closing bills will be prorated for the number of active days in the billing cycle.

D. Payment of Bills

Bills are due and payable by the due date specified on the bill and shall be delinquent if not paid by the due date specified. Payment may be made at the District's Office, by mail, by phone, electronically, or by any other means the District designates as new payment options become available.

Closing bills, if the UB account is to be discontinued, are due and payable by the due date specified on the bill. Delinquent closing bills will be turned over to a collection agent for resolution.

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UB accounts may accrue late fees and be discontinued for nonpayment according to the terms of the District's Collection Policy in effect at the time of delinquency.

When bills are delinquent, the District may demand that the full amount of both delinquent and current bills be paid in full. The District may impose a reasonable rate of interest for any outstanding balances, from the due date of the balance until paid in full. The District reserves the right to pursue payment of all delinquent fees and charges, including any interest and penalties owed, by means of a civil suit. If judgment is rendered in the District's favor, the District shall be entitled to payment of its attorney's fees and court costs incurred in the lawsuit.

If a customer receives water service at more than one location and the bill for service at any one location is delinquent, water service at all locations may be turned off in accordance with state law and District policy, as long as the notification requirements in the District's Collection Policy have been applied to all locations.

Section 13. Disputed Utility Bills

If a customer disputes the water bill in writing and exercises their right to appeal to the Board of Directors, the District will not discontinue water service for non-payment while the appeal is pending.

If the dispute is resolved in the customer's favor the account will be adjusted and the revised balance will be due in full unless a payment plan is signed.

If the dispute is not resolved in the customer's favor, they have the option to pay the disputed bill in full or establish a signed payment plan.

Bills issued subsequent to the disputed bill will be due by their respective due dates and the terms of the District's Collection Policy apply.

Section 14. Meter Error

A. Meter Test

A customer may, after giving the District not less than one week's notice, request the District test the meter serving their premises.

The meter will be tested at a high, medium, and low flow rate and a weighted average will be used to determine if the meter is within recommended acceptable limits based on current standards in the American Water Works Association's (AWWA) Water Meters – Selection, Installation, Testing and Maintenance, Manual M6.

The customer is required to pay for the reasonable cost of the test, as set out in rate ordinances of the District (for meters tested by the District) or as charged by a third-party testing contractor, unless the meter test results indicate that it is outside of the acceptable limits.

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A written report giving the results of the test will be provided to the customer within 10 business days after completion of the test or within 10 business days of receiving test results from a third-party testing contractor.

B. Adjustment of Bills for Meter Error

1. Fast Meters

When, upon test, a meter is found to be registering outside of the recommended acceptable limits, based on the AWWA M6 manual, the District will refund to the customer the full amount of the overcharge based on corrected meter readings for the period, not exceeding six months, that the meter was in use; unless the exact duration of fast meter registration can be determined.

2. Slow Meters

When, upon test, a meter is found to be registering more than 25 percent slow, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

3. Nonregistering and Unreadable Meters

The District may bill the customer for water consumed while the meter was not registering or not readable. The District may estimate the usage based on prior account or meter usage history.

The opinion and findings of the Finance and Business Services Manager on the subject of billing adjustments for meter error shall be conclusive, subject to the right of review and alteration by the General Manager or the Board of Directors.

Section 15. Discontinuance of Service for Reasons Other Than Nonpayment

A. General

Because water is a vital resource, the District has determined that it is appropriate to adopt and enforce District prohibitions on use of unsafe apparatuses by customers, customer use of District services in a manner that is detrimental to other customers, theft or fraud relating to water service, or noncompliance with any applicable state or local law.

B. Unsafe Apparatus

The District may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is dangerous, unsafe or not in conformity with any laws or ordinances.

The District does not assume liability for inspecting any apparatus on the customer's property. The District does reserve the right of inspection, however, if there is reason to believe that an unsafe apparatus is in use.

C. Exceedance of Flow Capacity

All customer-installed booster pump installations shall be approved by the District and include provisions to remain within the capacity of the water meter. The District does not assume responsibility for operation or maintenance of such booster pump nor guarantee flow or pressure resulting there from.

The District may refuse to furnish water, may discontinue service, may require a flow restrictor be installed at the customer's expense, may require the meter to be upsized at the customer's expense, or require other modifications as necessary, if the customer's consumption exceeds the flow capacity of the water meter/service line or if the conditions of service are not complied with, such as the restricted meter capacity policy.

D. Service Detrimental to Others

The District may refuse to furnish water and may discontinue or restrict service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers.

The District may refuse to furnish water and may discontinue or restrict service, including the installation of a flow restrictor, to any premises where excessive demands by one customer will result in inadequate service to others.

E. Water Waste

The District may discontinue or restrict service, including the installation of a flow restrictor, to any premises which is wasting water and has not corrected the violation after multiple notice by the District, as defined by the District's Water Waste Ordinance.

F. Fraud, Theft, or Abuse

The District shall have the right to refuse, restrict or discontinue water service to any premises to protect itself against fraud, water theft, or abuse. For purposes of this section, "water theft" means and includes all of the following:

- The use, diversion, receipt, or taking of District water by any means from any public fire hydrant, blow-off valve, water main, water service lateral, or other District facility or connection to a District facility to which a District-authorized metering device has not been installed or has been removed by the District.
- The use, diversion, receipt, or taking of District water by any means without paying the full and lawful District charges for such water, or by tampering with District property or facilities, including but not limited to removing a lock or plug that has been placed on a customer's service or meter or unauthorized use, tampering with a service connection or bypassing a meter, or making an unauthorized connection to any District facilities or any public fire hydrant.

Water theft is prohibited. Each act of water theft constitutes a misdemeanor which the District may report to the appropriate prosecuting agency. In addition to pursuing criminal penalties, the District, upon discovering water theft or customer tampering with District property, may also pursue the following remedies or other remedies available at law or equity:

- Require the immediate removal of any equipment, connections or tools used to accomplish the water theft that is attached to District property.
- Impose on the customer or perpetrator an administrative penalty, for any of the following occurrences of tampering, in accordance with Gov. Code 53069.45:
 - For cutting a District lock, cutting/damaging angle meter stop, preventing a meter from accurately performing its measuring function, or straight-lining across a District meter;
 - For a second violation of any of the above tampering provisions within one year; and
 - For each additional violation within one year.
- Impose on the customer or perpetrator an administrative penalty for any other form of water theft (e.g. illegal hydrant use, illegal connection to water system, etc.), in accordance with Gov. Code 53069.45:
 - For a first violation;
 - For a second violation within one year; and
 - For each additional violation within one year.
- Charge the customer or perpetrator for the amount of the unauthorized used water at applicable rates and charges. For fire hydrants, the District may presume the amount of water is 10 units per day unless the evidence establishes a different amount.

G. Noncompliance

The District may, unless otherwise provided, discontinue or restrict water service to a customer for noncompliance with any of these regulations if the customer fails to comply with them within five days after receiving written notice of the District's intention to discontinue or restrict service. If such noncompliance affects matters of health and safety, and conditions warrant, the District may discontinue water service immediately.

H. Restoration-Reconnection and Removing Flow Restrictor Charges

The District will charge a fee for restoring water service which has been discontinued or restricted, in accordance with our current rates and fees.

Section 16. Fire Hydrants

A. Use of and Damage to Fire Hydrants

No person or persons, other than those designated and authorized by the Fire District authority, or by the District, shall open any fire hydrant, attempt to draw water from it or in any manner damage or tamper with it, unless an agreement has been entered into with the District for such withdrawal of water. Tampering with a fire hydrant for the unauthorized use of water, or any other reason, is a misdemeanor as provided by California Penal Code Sections 148.4 and 498, as

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may be amended or renumbered from time to time. Such actions are punishable by imprisonment in the County Jail, or a fine, or both.

B. 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. Cost of such installation shall be borne by applicant. If a property owner or other party desires a change in the size, type or location of the hydrant, he/she shall bear all costs of such charges, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

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PASSED AND ADOPTED by the Soquel Creek Water District Board of Directors at its regular meeting held on the August 16, 2022, by the following vote:

AYES: Directors LaHue, Christensen, Daniels and Lather

NOES: None

ABSENT: Director Jaffe

ABSTAIN: None

APPROVED:



Dr. Thomas R. Lahue

President of the Board of Directors

ATTEST:



Emma Western

Clerk to the Board of Directors