

UNION PUBLIC UTILITY DISTRICT

Water System Ordinance #94-1

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Chapter 1

GENERAL PROVISIONS

1.01 Short Title. This article may be cited as the “Union Public Utility District Water System Ordinance.”

1.02 Definitions. In this article, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section.

- A. “Applicant” means the person applying for water service, connection, or water main extension.
- B. “District Office”: means the office of the Union Public Utility District.
- C. “Consumer” means a person who receives or takes water.
- D. “District” means Board of Directors.
- E. “Costs” means the actual or estimated values of materials, equipment, personal services and other expenses incurred, including taxes, engineering, and overhead.
- F. “Customer” means a person receiving water service or other services from the water system.
- G. “Demand” means the rate of draft of water for a specified period of time; the total quantity of water delivered or received during the month, season or year.
- H. “Fire Chief” means the chief officer of the fire departments or agencies providing fire protection within the District.
- I. “General Facilities” means water supply sources, water storage facilities, water mains and appurtenances, pumping stations, pressure reducing stations and all permanent water lines and appurtenances not having services directly connected to them.
- J. “Local facilities” means all water mains and appurtenances, fire hydrants, water meters, water meter hoses and service connections.
- K. “Main” means a transmission and distribution pipeline of the water system.
- L. “Main extension” means the extension of a main exclusive of service connections beyond existing facilities.
- M. “Manager” means the person designated by the District to manage the water system or his authorized representative.
- N. “Premises” means the separate identifiable and transferable lot or parcel of real property within the district, including the improvements for which service is available.
- O. “Water service,” means the delivery or receipt or both of water; a water service connection.

- P. "Water service connection" means the connection including service pipes, meters, and appurtenances through which water delivery are made.
- Q. "Water system" means the physical plant of the water system, including but not limited to, real property, reservoirs, treatment plants, pumping stations, transmission and distribution pipelines and appurtenances thereto.
- R. "Water capital improvement fee" means fees collected specifically for the purpose of enlarging facilities.

Chapter 2

APPLICATION FOR WATER SERVICE

2.01 Generally. A person desiring water service from the water system shall apply for it at the District office. The Manager shall prescribe the form of the application. The applicant or his authorized agent shall sign the application. The District is not obligated to provide water service until the Manager approves the application. Monthly bills will be calculated from the time meter is installed. The applicant must immediately decide if the meter will become active or inactive and on stand-by. If the applicant does not wish to have the meter installed, it will then be considered a pulled meter and a meter re-set fee will be charged upon installation. (Ordinance 2006-01, adopted 2/15/2006)

2.02 Contents. The application shall set forth:

2.02.1 The definite boundaries of the premises to be served water;

2.02.2 The purpose and use of the water to be consumed;

2.02.3 An estimate of the maximum instantaneous water demand;

2.02.4 Such other information and details considered proper or necessary by the Manager.

2.02.5 In the event the applicant for a permit or will serve letter is required to provide plans, specifications or drawings and such other information as a condition to the issuance of a permit, the applicant shall pay all engineering, legal, and other expenses and charges required for the review of required plans and specifications. Proof of easements across private property needed for project will be required. (Ordinance 2015-02; adopted 6/17/2015)

2.03 Use of Water Without Application. Any person who takes possession of the premises and uses water without applying for water service is liable for all the water delivered from the date of the last recorded meter reading. If proper application for service is not made within seven calendar days after notification to do so by the

Manager or if accumulated bill for water service are not paid upon presentation, the water service shall be discontinued without further notice.

2.04 Former Customer Owing Bills. When a former customer applies for service and still owes for service received from the water system, the Manager shall refuse to furnish water service until the outstanding charge is paid. The Manager shall also require a cash deposit as a guarantee against future delinquency.

2.05 Issuance of a Will Serve Letter. If the District determines, with the advice and concurrence of the District Engineer, that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinance, rules and regulations of the District, the District shall issue a will serve letter and permit upon payment of the connection fees herein referred to and of the fees as fixed in this ordinance. After review of the applicant's submittal, the District will identify needed on-site and off-site improvements to handle the proposed development. The applicant will be responsible for paying for the on-site improvements and the rest of the improvements or the proportional costs of off-site improvements in addition to the District's current connection fee, before issuance of a will serve letter and permit. (Ordinance 2015-02; adopted 06/17/2015)

2.06 Time Limit on Permits/Will Serve Letter. If work under a permit/will serve letter is not commenced and completed within two (2) years from the date of issuance, the permit/will serve letter shall become null and void and no further work shall be done until a new permit/will serve letter has been secured. After said work has been completed and the District has approved and accepted the work, the permit/will serve letter shall be in full force and effect. An extension of one year may be granted if approved by the District Board prior to the expiration of the original permit/will serve letter. Further, no more than one extension will be granted. (Ordinance 2015-02; adopted 06/17/2015)

Chapter 3

WATER SERVICE DEPOSIT

- 3.01 Required When.** The Manager may require each new applicant and each applicant who has not established credit to put up a cash deposit. The deposit amount, if any, shall be fixed by the Manager, but shall not exceed three months of estimated water charges.
- 3.02 Refunds – Deduction of Unpaid Charges.** If during twelve consecutive billing periods during which service is continuous, bills have been paid within twenty days from the date of the billing, the deposit shall be refunded, without interest, upon application for it. When service is discontinued, the deposit for that customer account shall be refunded. Any charges then unpaid may be deducted from the deposit.

Chapter 4

LIABILITY FOR WATER SERVICE

- 4.01 Applicability.** After water service is started, the applicant is liable for payment for all water delivered through the service and all other charges applicable to the service.

Chapter 5

REFUSAL, LIMITATION OR DISCONTINUANCE OF SERVICE

5.01 Service Refusal. The Manager may refuse to furnish water, may discontinue water service to any premises, or refuse to issue new connection permits or will serve letters for the following reasons:

- 5.01.1 To protect the District or water system, or both, from fraud and abuse;
- 5.01.2 The requested water service demand may be detrimental or injurious to the water service of other customers;
- 5.01.3 The distribution facilities are inadequate to supply the requested water service demand.
- 5.01.4 The availability of water (or lack thereof) because of drought conditions.

5.02 Service Limitation. The Manager may limit the total quantity of water furnished to premises or may establish the times and the rates of draft at which water may be taken or will be furnished to premises, even though a limit or maximum use may or may not appear on the application or permit for the water service. In limiting water service, the Manager shall be guided by but not restricted to;

- 5.02.1 The past seasonal water use at the premises;
- 5.02.2 The effect of current use on the customers;
- 5.02.3 The effect of current use on the water system facilities;
- 5.02.4 The availability of water (or lack thereof) because of drought conditions.

5.03 Service Discontinuance. Any person who desires to discontinue water service shall submit a request in writing or in person at the District office not less than two working days before the date on which discontinuance is desired. The request shall contain the date upon which water service is to be discontinued and a forward address for the customer. After the effective date of discontinuance, all charges accruing cease for the period. No service may be discontinued for a period of less than thirty days.

Chapter 6

CHANGES IN CUSTOMER REQUIREMENTS

- 6.01 Notification.** If a customer makes a material change in the size, character or extent of his facilities utilizing the water service, or if a change in operations results in a large or unusual increase in the use of water, the customer shall immediately notify the District office in writing and, if necessary, amend his application for water service.
- 6.02 New application.** A person who requests a change in the size, location, or number of water service connections to premises previously receiving water service shall file a new application for water service, and all conditions and requirements of new water service and water service connections apply.

Chapter 7

STANDARD SERVICE CONNECTIONS

7.01 Single-Family Dwellings. A single service connection may not serve more than one premise except as provided in Section 7.14. The standard water service connection is a three-quarter (3/4) inch I.P. size service pipe and a ~~five-eighths (5/8) meter~~ three-fourths quarter (3/4) inch meter; ~~however, adjacent residential properties may be served from a common one-inch service pipe extending from the street main at a point opposite the common property corner to that corner, if a separate three-fourths (3/4) inch branch pipe and a five-eighths (5/8) inch branch pipe and a five-eighths (5/8) inch meter are installed to serve each property.~~ The standard water service connection is the minimum service for a single-family dwelling. If a person requests a larger connection, the District may install it if, in the District's ~~discretion~~ opinion, other customers are not deprived service because of it.

7.02 Single-Family Dwelling Divided into Multiple Family Units and Accessory Dwelling Units. Each unit will be subject to a monthly service charge (additional minimum).

7.02.1 **Accessory Dwelling Units Defined.** (Per Gov Code §65852.2) An Accessory dwelling unit (ADU) means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It will include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. (See Gov Code for complete definitions.)

7.02.2 **Additional Connection Fee Required.** (Per Gov. Code 65852.2 – 8.f.2) Newly constructed attached or detached ADU's ~~not within the existing-space of the primary residence or accessory structure~~ will be charged a separate, reduced connection fee ~~connection fee~~ (Per Section 7.08) and a capacity fee unless exempt under state law (generally ADUs within the existing space of the primary residence or accessory structure). The connection and capacity fees will be due prior to ~~activation~~ initiation of water service. Each detached ADU will receive a separate meter and monthly service fee.

7.02.3 **Accessory Dwelling Unit Monthly Service Fee**

A monthly service fee (additional minimum) will be charged for each ADU on a property.

- 7.03 Commercial Building.** Each separate business meter in a commercial building will pay a monthly service charge.
- 7.04 Other than Single-Family Dwellings.** When a person requests a water service connection, or a revision of a water-service connection for other than a single-family dwelling, the ~~Manager~~ District Engineer will determine the minimum size of the service pipe and meter to be installed. The District Engineer's determination will be based on the applicable sections of the applicable plumbing and building codes, fire ordinances and requirements of the State Department of Public Health and other authority having jurisdiction.
- 7.05 Installation Authority.** A water service installation will be made by the District or by a contractor acceptable to the District. The service will be installed 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, but within the right-of-way or easement of the District.
- 7.06 Changes in Size.** A change in the size of the meter, service pipe, or both, of an existing service connection is at the expense of the customer, including District Staff and Engineering time.
- 7.07 Relocation.** When a customer requests relocation of an existing meter or service connection for the customer's convenience, the relocation is at the customer's expense on the basis of the actual costs of relocation. When relocation of an existing meter or service connection is done to protect the property of the water system or the District's interest, the District will pay the cost of it.
- 7.08 Charges.**
- 7.08.1 The District may from time to time, by resolution duly adopted, fix the amount of the connection and capacity fees, turn on fee, and the monthly service charges.
- 7.08.2 Connection and capacity fees will be paid to the District as a condition to connection of all new residential, commercial, irrigation and industrial water hookups. Each commercial building, ADU and any other additional connection under 7.14 will pay a separate connection fee. Connection fees will be due

and payable before a water service connection is made.

7.08.3 The charges for a new service connection or for a change in size or location for customer's benefit will be paid before work is started. Charges include staff and engineering time for administrative and engineering review. All meters will be paid for by the applicant. The applicant will deposit with the District a fee, in accordance with a schedule adopted by the District, to cover the cost of the water meter. Any additional unforeseen costs associated will be charged to the customer prior to starting the service.

7.08.4 Each apartment in an apartment building, duplex, or multi-family building and each trailer in a trailer or mobile home park will pay the current ~~hookup fee~~ connection and capacity fees as applicable with the fee schedule for multi-family buildings adopted by the District.

7.08.5 A new customer connecting to a water main extension installed pursuant to Chapter 9 will pay the fee required by Chapter 9.

7.09 Right of title. The charges prescribed in this chapter are for connection and do not convey any right of title to the facilities, meter and water systems. The customer owns the service pipes leaving the meter to the place of use and is responsible for ~~all~~ their maintenance.

7.10 Nontransferable. The water service connection is for a water supply to the premises designated on the application, and it is not transferable to another premise.

7.11 Refunds Not Allowed. If the water service is discontinued or abandoned, the customer does not have a right of refund of any connection charges.

7.12 Installation—Location. Each water service connection ~~shall~~ will be installed in a public street or in an easement or right of way under the control of the Water District.

7.12.1 Where the premises to be served fronts on more than one street, the Manager may designate on which frontage the service connection ~~shall~~ will be installed.

7.12.2 A meter shall will be installed in the public sidewalk near street curb or behind and adjacent to the public sidewalk within the publicly owned and controlled right of way.

7.13 Obstructing Access to Meter. It is unlawful for a person to enclose a water meter with a fence, wall or hedge or to obstruct access to it in any manner. It is also unacceptable if there is a threat to District staff's safety, such as an aggressive animal, when approaching a water meter or other District property. If the owner or customer fails or refuses to remove an unlawful obstruction or safety hazard within a reasonable time after written request to do so, the General Manager shall will:

7.13.1 Order the discontinuance of water service to the premises until the obstruction or hazard is removed; or

7.13.2 Order the customer to pay an additional charge of \$5 as a penalty for each meter reading attempt taken until the obstruction or hazard is removed.

7.14 Separate Connection to Each Customer – Exemption Grounds.

7.14.1 ~~A single service connection may not serve more than one premise except as provided in Section 7.01. Separate premises under single or multiple ownerships, control or management shall must receive water through separate service connections unless the Board of Directors determines otherwise for good and sufficient reasons except as provided in this section.~~

7.14.2 ~~When the Board of Directors investigates a request for a single service connection to provide service for more than one premises, it shall be guided by but shall not be restricted to the following conditions: Service connections authorized by this section will be subject to all fees for a new service connection, per 7.08.~~

~~7.14.2.1 That the service connection will not violate the regulations against reselling or redelivering to other consumers;~~

~~7.14.2.2 That the service connection will not avoid main extension requirements;~~

~~7.14.2.3 That the service connection will not be a means of avoiding meter service charges or obtaining an advantageous price without an equivalent~~

~~guaranteed minimum.~~

7.14.3 Adjacent residential properties generally may be served from a common one-inch service pipe extending from the street main at a point opposite the common property corner to that corner, if a separate three-fourths (3/4) inch branch pipe and a three-fourths (3/4) inch meter are installed to serve each property.

7.14.4 In other situations, when the General Manager and District Engineer reviews and approves a request for a single service connection to provide service to more than one premises, it will be brought to the Board for final approval, and guided by but will not be restricted to the following conditions:

7.14.4.1 Shared connections are disfavored because improperly designed or constructed shared connections present significant risks to District customers and the District's ability to provide water to those customers.

7.14.4.2 The service connection may not violate the regulations against reselling or redelivering to other Customers.

7.14.4.3 The service connection may not hinder the ability to provide water service to other customers.

7.14.4.4 The service connection will not avoid main extension requirements.

7.14.4.5 The service connection will not be a means of avoiding meter service charges or obtaining an advantageous water price without an equivalent guaranteed minimum.

7.14.4.6 The service can only be accomplished by connecting to an existing service.

7.14.4.7 Where more than one Customer is supplied through a single service connection, the owner of the property or other person agreed upon is liable

for payment for all water furnished through the service connection, including additional monthly minimums for each additional property.

7.14.4.8 After review and approval by the General Manager, the request will be brought to the Board of Directors for final consideration and formal approval.

~~7.15 Separate Connection to Each Consumer—Required When.~~

~~Except as provided in Section 7.01, each separate consumer shall be supplied water through a separate service connection unless the Board of Directors determines otherwise.~~

~~7.15.1 Where more than one consumer is supplied through a single service connection, the owner of the property UPUD Water System Ordinance, Adopted 11/16/1994; Revised 02/20/2019 or other person agreed upon is liable for payment for all water furnished through the service connection.~~

~~7.15.2 Wherever it is practical to serve separate customers through separate service connections, the Board of Directors shall require separate service connections for each separate customer.~~

7.15 Customer Main Extensions. A water service connection will not be installed unless a water main of adequate capacity extends in a public street or right of way across the entire frontage of the property to be served water. Wherever, as a prerequisite to service, a water main is extended, it will be installed in compliance with Chapter 9.

~~**7.16 Main Extensions.** A water service connection shall not be installed unless a water main of adequate capacity extends in a public street or right of way across the entire frontage of the property to be served water. Wherever, as a prerequisite to service, a water main is extended, it shall be installed in compliance with Chapter 9.~~

7.16 Delivery Pressure. The District is not obligated to deliver to the premises of any of its customers any water or water pressure. It is the customer's responsibility to install and pay for appropriate pressure boosters approved by the District in the event such customer has inadequate pressure. If a booster pump is installed, a backflow device is required and must be approved by the District. The District reserves the right to decline the request for water service at a location with less than 20 PSI.

Chapter 8

SPECIAL SERVICE CONNECTIONS

8.01 Fire Service Connections.

- 8.01.1 Any sprinkler and fire service installation shall be approved by the Fire Chief and by the Inspection Bureau of the Board of Fire Underwriters of the Pacific before water service is started. Any such installation shall comply with all other regulations issued by federal, state or county agencies.
- 8.01.2 Each fire service shall have a detector check valve of a pattern and design approved by the District.
- 8.01.3 Water furnished through a fire service shall be used only for extinguishing fires or for authorized testing of the fire-fighting system. If a consumer wishes a test, he shall notify the District office at least two working days before making the test.
- 8.01.4 Connection fees for sprinkler systems will be determined on an individual bases, and will include a time and material charge.

8.02 Temporary Connections - Permit. Whenever practical, all water furnished through a temporary service connection shall be metered. A permit for a temporary service connection is valid for a period not more than sixty days after installation. The District may extend the permit upon request. The temporary service shall be discontinued and dismantled or removed upon termination of the permit period or completion of use.

8.03 Temporary Connections – Deposit - Amount. The applicant shall make a cash deposit with the District office before issuance of a permit for temporary service connection. The cash deposit shall equal the estimated costs of installing and removing the facilities necessary to provide the service, including the value of materials. If the applicant has not established credit, he shall also deposit in cash the cost of water estimated to be used during the entire period of service.

8.04 Temporary Connection – Deposit - Refund. After discontinuance of the temporary service and when the connection is dismantled,

the deposit shall be refunded upon request without interest, less unpaid charges, less the value of materials used. (Less salvage value) and materials lost or damaged beyond repair.

- 8.05 Construction Connection.** When it is impractical to supply water for street or building construction through a metered service, the contractor may draw water from a fire hydrant designated by the Manager. The application shall state the estimated daily use and number of tank trucks, the gallonage of each truck and the length of time the service is desired. The contractor shall submit a statement each week showing the number of loads of water drawn during the previous week. Unless the contractor establishes credit, he shall make a deposit equal to the estimate use for thirty days.
- 8.06 Connections to New Houses.** Water service connections to each new home shall be metered. The Manager may allow unmetered connections whenever necessary, and when this is done, the subdivider shall pay in advance at the rate of two times the minimum monthly charge for each connection made. Service under this section shall not be for a period longer than ninety days.

Chapter 9

WATER SYSTEM EXTENSIONS

9.01 Generally. Private parties with the approval of the Board of Directors may extend water mains. All work will be in accordance with District standards and shall be approved by the District Engineer and General Manager.

9.02 Application Procedure. Any person who desires to build an extension to the water system including main line and service line extensions may do so at his their own expense upon approval of the Board of Directors. The applicant for an extension shall will take the following steps:

9.02.1 Applicant shall will provide the District with a tentative preliminary map and legal description of the property to be served with an inspection fee.

~~9.02.2 The following items shall be filed with the District as a condition to completing the design of the extension and approval for construction:~~

9.02.2 Applicant and the District will enter into a facilities extension agreement that sets forth the terms and conditions on which the District will approve the extension. The agreement will include terms requiring that the applicant pay the District's costs for entering into and implementing the agreement.

~~9.02.2.1 The final map approved by the District Engineer;~~

~~9.02.2.2 Deeds to necessary easements or rights-of-way;~~

~~9.02.2.3 District's approval of contractor;~~

~~9.02.2.4 Performance bond by developer or contractor or both, in the form and amount specified by the District Engineer;~~

~~9.02.2.5 Certificate of Liability and Property Damage Insurance showing an endorsement which includes the District and the District's Engineer as Co-insured;~~

~~9.02.2.6 Approval from necessary regulatory agencies;~~

~~9.02.2.7 Property boundary stakes or monuments, both to be in place before construction staking;~~

~~9.02.2.8 The District Engineer must be given at least forty-eight hours' notice before start of construction;~~

~~9.02.2.9 A Maintenance Bond and deposit is required along with items from the District's 2002 Improvement Standard's booklet.~~

9.02.3 The agreement required by section 9.02.2 will require at least following items will be completed as a condition to completing the design of the extension and approval for construction:

- 9.02.3.1 The final project map approved by the District Engineer;
- 9.02.3.2 Deeds to necessary easements or rights of way;
- 9.02.3.3 District's approval of contractor;
- 9.02.3.4 Performance bond by developer or contractor or both, in the form and amount specified by the District Engineer;
- 9.02.3.5 Certificate of Liability and Property Damage Insurance showing an endorsement which includes the District and the District's Engineer as Co-insured;
- 9.02.3.6 Approval from necessary regulatory agencies;
- 9.02.3.7 Property boundary stakes or monuments, both to be in place before construction staking;
- 9.02.3.8 The District Engineer must be given at least forty-eight hours' notice before start of construction;
- 9.02.3.9 A Maintenance Bond and deposit is required along with items from the District's current Improvement Standard's booklet.

~~9.03 Reimbursement Amount Determination. Within ninety days following any new service connection to the extension, the District will reimburse the original installer at a rate commensurate with the cost of the water main extension, in accordance with the following equation:~~

~~Reimbursement, $R=L/C$~~

~~L = One half of the linear feet of lot frontage of customer.~~

~~C = Cost per linear foot of water main installation approved by the District Engineer.~~

~~9.03.1 Customer is defined as a new water connection made at the time of the main line installation.~~

~~9.03.2 The provisions of this section and Section 9.04 do not apply to line extensions within the boundaries of a subdivision.~~

~~9.03.3 The District shall make no reimbursement to the private property pursuant to this section after five years from the date of acceptance.~~

9.03 Minimum Size of Water Mains. The inside diameter of every water main installed will be at least six inches; unless otherwise determined by the District Engineer.

~~**9.04 Reimbursement - Charge Assessed to New Customer.**~~ A new customer to a water main extension shall pay, in addition to the charges imposed under Section 7.08, the amount determined by Section 9.03 to be reimbursable to the original installer.

~~**9.05 Minimum Size of Water Mains.**~~ The inside diameter of every water main installed shall be at least six inches; however, the District may prescribe a smaller size.

9.04 Minimum Size of Service Lines. The inside diameter of every service line installed will be determined by the District Engineer.

9.05 Fire Hydrant Installation - Charges. The District Engineer shall provide specifications for the installation of fire hydrants. The cost of the hydrants is a part of the water main extension and shall be paid for by the applicant.

9.06 Standard Specifications. The District will prepare standard specifications for the construction of water system facilities. A copy of the standard specifications shall be filed with the District office and, after the approval and adoption by resolution of the Board of Directors, shall govern all extensions, additions, and revisions to the water distribution system.

Chapter 10

WATER METERS

10.01 Sealing Required. All water meters shall be sealed at the time of installation, and no seal shall be altered or broken except by an authorized employee of the Water District.

10.02 Maintenance.

10.02.1 The District shall maintain, repair and replace water meters.

10.02.2 If a replacement or adjustment of a meter is necessary due to the act, neglect or carelessness of the owner or occupant of premises, the expense to the District shall be charged against and collected from the customer.

10.03 Testing – Deposit - Adjustment of Charges.

10.03.1 Each customer may request the District to make a test of the meter servicing his premises. The water system shall arrange for the test within a reasonable time after receipt of the request and shall notify the customer twenty-four hours before the time set for the test. When the customer makes the request he shall deposit an amount to be set by the Board of Directors.

10.03.2 If the meter test shows that the meter is:

10.03.2.1 Registering not more than two percent faster or slower than the actual quantity of water passing through it, the District shall keep the deposit;

10.03.2.2 Registering more than two percent over registration, an accurate meter shall be installed, the deposit refunded, and the water bills adjusted to correct the error discovered;

10.03.2.3 Registering more than two percent under registration, an accurate meter shall be installed, the deposit refunded and the

customer billed from the amount of undercharge;

10.03.3 The adjustment for overcharge or undercharge shall be for a period of six months or the period during which it was measuring service to the customer, whichever is shorter.

10.04 Erroneous Meters. When a meter does not register correctly, the District shall charge the customer for a minimum service charge or for an estimated amount of water used, based upon the customer's previous consumption during the same season of the year if conditions are the same or upon a reasonable comparison with use of other customers during the same period receiving the same class of service under similar circumstances.

10.05 Connecting to Meter to Test Pipes. When a person connecting service pipes to the property side of the meter uses the water for testing pipes, he shall shut the water off from unoccupied premises before leaving and shall leave the meter box properly installed to full depth in the ground or sidewalk, with the cover securely fastened in place.

Chapter 11

CUSTOMER RESPONSIBILITIES

11.01 Installation and Maintenance of Equipment.

11.01.1 The customer shall at his own risk and expense, furnish, install and keep in good and safe condition all equipment required for receiving, controlling, applying and utilizing water. The District is not responsible for loss or damage caused by the improper installation of water equipment, or the negligence, want of proper care or wrongful act of the customer or of his tenant, agent, employee, contractor, licensee or permittee in installing, maintaining, using, operating, or interfering with the equipment.

11.01.2 The customer is responsible for determining the pressure operation limits of his fixtures and equipment and shall properly protect the fixtures and equipment from any variance of water delivery pressures, including periods when no water is available.

11.01.3 The District is not responsible for water loss beyond the meter.

11.02 Control Valve Installation. The owner of premises to be served shall install a control valve on the house piping between the water meter and the first fixture outlet on the premises. When an old premise to which a service connection was previously installed is altered, the owner shall install a control valve if one is not provided. The customer shall not operate the curb stop in the meter box.

11.03 Check Valve Installation. The owner of the premises to be served shall install a suitable check valve, and pressure reducer on the house lead pipe as close to the meter location as practical. When old premises to which a service connection was previously installed are altered, the owner shall install a check valve if a check valve is not already provided. Single check valves are for the purpose of preventing the draining of the customer's piping and plumbing in case water has to be shut off temporarily and shall not be considered adequate if a backflow protection device is required.

11.04 Pressure Relief Valve on Water Heater Required. Each water heater shall be equipped with a suitable pressure relief valve of a

type and nature required by the Uniform Plumbing and Building Codes.

11.05 Backflow Prevention Devices - Required When. A backflow device shall be installed when required by Chapter 18 and in addition;

11.05.1 When UPUD supplies the property with irrigation water;

11.05.2 When steam is generated in boilers other than water heaters designed for domestic use.

11.05.3 When the premises are also supplied with water from a well, spring, reservoir or other unapproved source;

11.05.4 When liquids other than water are carried under pressure through pipes;

11.05.5 When other special circumstances create the danger of pollution to the water system or a portion of the water system. A system of check valves or other backflow prevention devices shall be installed at the customer's expense. The installation shall be approved by the District both as to materials and devices used and design of the installation and shall conform to Chapter 18. The District shall not install a service connection or turn water on until the installation is made.

11.06 Backflow Prevention Devices—Failure to Install-District Action. Where any of the conditions listed in Section 11.05 exist on premises where the District provides service and the installation required by that Section does not exist or is defective, the District may discontinue water service immediately and shall not restore it until the installation is made or the defect is corrected to the satisfaction of the District. The customer at his expense shall make the installation or the correction.

Chapter 12

FIRE HYDRANTS

- 12.01 Use Restricted.** Fire hydrants are provided for the sole purpose of extinguishing fires and are to be opened and used only by the District or Fire District Personnel.
- 12.02 Opening Method.** A person authorized to open fire hydrants shall use an approved spanner wrench and shall replace the caps on the outlets when not in use.
- 12.03 Temporary Service Supply Permit.** If temporary service is supplied through a fire hydrant, a permit for the temporary service shall be obtained from the District office. The permit shall be exhibited at the work site while water is taken.
- 12.04 Removal or Relocation Procedure.** Any person who desires the removal or change in location of a fire hydrant shall make a request in writing to the District. If the Fire Chief approves the proposed removal or relocation, the District shall prepare an estimate of the cost of the proposed work. The person requesting the removal or relocation shall first deposit an amount equal to the estimated cost with the District office before the District starts work. Upon completion of the work, the actual cost shall be compiled and any difference between the actual and estimated cost shall be billed or refunded for the applicant's account.

Chapter 13

DISPLACEMENT, USE, OR SALE OF WATER SERVICE

13.01 Displacement of Facilities for Construction Work. Each person engaged in construction or street work shall give at least ten days written notice to the District for the removal or displacement of water system facilities that may interfere or conflict with street work. Damages resulting to the facilities for failure to give notice shall be charged against the person engaged in this work. All costs involved in the removal or the persons engaged in the work except where a county or state encroachment permit or contract provides otherwise shall pay displacement of water facilities.

13.02 Tapping or Connecting to Main. No person except an employee of the District shall tap the water pipe of the main line or distribution system or insert a tee, stopcock or ferrule therein. Where a service pipe is found disconnected at the corporation cock, only an employee of the water system shall reconnect it.

13.03 Selling Water. It is unlawful for a person to sell water within the District without first receiving permission to do so from the Board of Directors.

13.04 Reselling or Re-Delivering Water.

13.04.1 The District shall not sell or supply water to a customer if the customer intends to or does resell or redistribute to other customers without the District's permission.

13.04.2 It is unlawful for a person who receives water from the system to resell or deliver it to premises other than those designated in the water service application.

Chapter 14

SHUT-OFF OR FLUCTUATION OF WATER SERVICE

14.01 Shut-off Without Notification. In case of fire, or alarm of fire, or in making repairs or in constructing new work, the District may shut off water from any customer or number of customers without notice and keep it shut off as long as it is necessary. In case of fire or alarm of fire, the District may prohibit the use of fountains or yard sprinklers.

14.02 District Non-Liability for Damages.

14.02.1 The District is not liable for damages resulting from:

14.02.1.1 An interruption of service or damage caused by any fixture, spigot, valve, or other equipment or fixture that is left open when water is turned on either originally or after a temporary shut-off.

14.02.1.2 An increase or decrease in delivery pressure.

14.02.2 Water service is subject to variations in pressure as required or occurs in the operation of the distribution system.

14.03 Fire Chief Authority. In case of fire or alarm of fire, the Fire Chief may request the setting of gates and valves in water mains to secure the greatest possible pressure at the points required which District personnel shall only do. When the need, passes, the Fire Chief shall notify the District.

14.03.1 Service Discontinuance for Violation.

14.03.1.1 Every person taking water is considered as consenting to be bound by this Ordinance. When any rule of regulation is violated, the District reserves the right to discontinue water service for non-compliance.

14.03.1.2 Unless otherwise provided, the District shall discontinue water service if the customer fails to comply within five days after the date of written notice of violation. If non-compliance affects health of safety, or the operation,

maintenance, or other costs of the water system, the District may discontinue water service immediately without notice.

- 14.03.1.3 The person whose water is discontinued in this matter forfeits all deposits, and the water shall not be turned on again until all fees and charges are paid and other requirements of this Ordinance are fulfilled.

Chapter 15

BILLING

- 15.01 Periods.** Bills for metered service shall be monthly. Meters shall be read at approximately equal intervals for the preparation of periodic billing. Special readings shall be taken for opening or closing bills.
- 15.02 Separate Bill for Each Meter.** Each meter on a customer's premises shall be billed separately, and the readings of two or more meters will not be combined unless the water system, for operating convenience or necessity, installs two or more meters in place of one.
- 15.03 Adjustment – Unmetered Use.** If a customer uses water for which no bills have been issued, the District may install a meter and:
- 15.03.1 Determine an average bill for the past twelve months or for as much of the past twelve months as the customer has been occupying the premises.
 - 15.03.2 Or in possession of the premises without paying.
 - 15.03.3 Or may use another method which estimates the amount of water used.
- 15.04 Service for Less Than Thirty Days.** If the total period of service is less than thirty days, the monthly minimum charges shall be applied to the account. If the quantity of water consumed is greater than that for the periodic minimum, the charges shall be calculated on actual water consumption.
- 15.05 Owner Responsibility.** *(This section amended 12/15/04 by Ord. No. 04-02)* The property owner is responsible and liable for the payment of all charges for water furnished for or used on such real property. The property owner shall receive the bill at his or her mailing address. The bill will not be mailed to the tenant or to the physical address of the property, not occupied by the owner.
- 15.06 Payment.** Bills are due and payable upon presentation. Payment shall be made in the District office or other place or places designated by the District.

15.07 Delinquent Accounts - Service Discontinuance - When. *(This section amended 6/15/05, Ord. 2005-01)* All bills are delinquent twenty days after the date stamped on the bill, and if not paid on or before the delinquent date, shall be charged a \$10 late fee. The District is not responsible for bills that are not received in the mail and a late fee can be reversed by staff as a courtesy, one time only. It is the responsibility of the customer to ensure that payment is received by the due date every month. The District may commence proceedings to terminate water service for non-payment of monthly charges unless non-payment occurs in any of the following situations:

- 15.07.1 During the pendency of any investigation by the District of a customer dispute or complaint;
- 15.07.2 When a customer has been granted an extension of the period for payment or a bill; or,
- 15.07.3 On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the District.

The District may commence proceedings to terminate water service on or after the 35th day a bill becomes delinquent for non-payment. Before terminating residential water service for non-payment, the District shall first give notice of the delinquency and impending termination at least 15 days prior to the proposed termination, by means of notice mailed, postage prepaid, to the customer to whom the service is billed.

The District shall make a reasonable, good faith effort to contact an adult person residing at the premises by telephone, or personal contact, at least 48 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the District shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

15.08 Delinquent Accounts – Service Discontinuance - Several Locations. If a customer receives service at more than one service locations and the bill for any one of that customer's

accounts becomes delinquent and service is discontinued, service at all other locations may also be discontinued.

15.09 Delinquent Charges Constituting Lien on Real Property.

Delinquent water charges and interest and penalties thereon constitute a lien on the real property served to the extent the property is owned by the person or entity receiving the service. When a lien is recorded pursuant to this section, which shall continue in effect until the amount of charges, interest and penalties are paid or the property is sold to satisfy the charges, interest and penalties. No lien may be created under this section on any publicly owned property.

A lien pursuant to this section attaches when the District files for record in the office of the County Recorder a certificate specifying the amount of charges, interest, and penalties due, the name of the owner of record of the property who received the water service, and the legal description of the property served. From the time of recordation of the certificate, the charges, interest, and penalties constitute a lien on the property. Within thirty days of receipt of payment of all costs specified in subdivision (a), or within thirty days of a demand by an escrow agent in the event of a voluntary sale, the District shall record in the office of the county recorder a release of lien created by this section.

15.10 Delinquent Accounts - Re-Continuance of Service - Requirements.

Water services discontinued because of delinquency in payment shall not be turned on until all charges including delinquencies together with a turn-on charge is paid. The Board of Directors by Resolution shall set the turn-on charge from time to time. In case of delinquent payment, a cash deposit shall be made to re-establish credit. The deposit shall be treated as an application deposit.

15.11 Delinquent Accounts - Re-Continuance of Service - Unauthorized.

If after a service is discontinued for delinquency in payment, service is resumed without authorization, the meter may be removed, and a charge for resetting the meter shall be paid before service is resumed. This reset charge shall be set from time to time by the Board of Directors of the District by Resolution. This charge is in addition to all other charges and deposits.

15.12 Disputed Accounts.

In case of dispute as to payment of a bill previously delivered, the customer shall present the receipted bill, cancelled check or other satisfactory evidence before the District may make an adjustment or correction.

15.13 Adjustment. Leakage or Loss.

- 15.13.1 A bill may be adjusted allowing for a leak or loss of water only when evidence clearly shows that the excessive delivery is due to leaking pipes or fixtures and not wasteful use or consumer's acts, omissions or negligence.
- 15.13.2 An adjustment may be made only after repairs are made and the District is satisfied that the leak or loss will not again occur. No adjustment or allowance may be made covering more than two consecutive billing periods including the one in which the same was requested. No more than one adjustment or allowance may be made to the same customer for the same premises in any twelve-month period.
- 15.13.3 The District shall determine the amount of excess delivery by calculating the average bill in accordance with its standard method and subtracting that amount from the total water delivered.
- 15.13.4 Adjustments ordinarily will be made on the basis of one-half of the excess delivery but in the case of concealed leaks in underground or unexpected pipes, full excess may be allowed.
- 15.13.5 The quantity of water for which an adjustment is made shall be charged to the customer at the lowest rate applicable to the particular water service connection affected.
- 15.13.6 All other water delivered shall be charged at the regular rates applicable to the customer's account.
- 15.13.7 The District will not be responsible for loss of water due to frost or freezing damage.

15.14 Inspection Frequency. After the District makes an inspection of a customer's premises on account of excessive water bills, or upon the request of the customer, or for other reasons, no further inspections shall be made for a period of six months; however, the Manager may order an inspection at any time if in his opinion conditions warrant it.

Chapter 16

RATES

16.01 Monthly Rates – Quantity of Water Used. The District may from time to time, by Resolution duly adopted, fix the amount of the monthly meter rates for quantity of water used. The monthly water rate or quantity of water used is available upon request from the District office.

The minimum monthly charge is a readiness-to-serve charge applicable to all metered service and to which is to be added the monthly charge computed at the quantity rates.

An annual stand-by fee will be charged to the owner(s) of any property on which a water meter is installed and connected to the District's water system but which is inactive or unconnected to any outlet line. This fee shall be effective 30 days after the passage of Resolution 6-2000, except that as to any meters issued prior to December 15, 2000. Those issued prior to December 15, 2000 shall be charged stand-by fees after May 1, 2001. Any person requesting that an inactive meter return to active status, must pay the established turn on fee.

A meter re-set fee will be charged, per Resolution 6-2000, to any person who requests that a meter once installed by the District and removed for any reason, be reinstalled. (Ordinance 2006-01, adopted 2/15/2006)

16.02 Monthly Rates – Mobile Home Parks. A single master meter may measure the monthly water used in a Mobile Home Park. In that case a monthly minimum will be charged for each living unit and/or separate building. Any water over the minimum amount will be charged at the current rate.

16.03 Monthly Rates – Individual Mobile Home. The monthly water service rates and connection fee will be the same as a single-family residence.

16.04 Monthly Rates - Temporary Mobile Home, R.V. or Trailer.

16.04.1 No fees will be charged for the first 30 days.

16.04.2 After 30 days, temporary monthly fees the same as a single-family residence will be charged.

16.04.3 After 180 days, a connection fee as provided in Section 7.01 for a primary residence or 7.02.2 for an Accessory Dwelling Unit will be charged & required to continue service.

16.05 Monthly Rates – Governmental Agencies and Bulk Users. The District reserves the right to negotiate by contract, rates different than those set forth in this chapter, and the contractual rates shall take preference over any other rates set forth in this chapter.

16.06 Monthly Rates – Irrigation System Charges. The District may from time to time, by resolution duly adopted, fix the amount of the monthly rates for the irrigation system. The monthly rate for irrigation systems is available upon request at the District office.

16.07 Outside District Charge – Applicability. Customers outside the District boundaries will be charged an in-lieu fee based on current tax rates.

Chapter 17

CROSS-CONNECTIONS

- 17.01 Purpose.** The purpose of this chapter is to protect the public water supply system from contamination due to potential and actual cross-connections. This shall be accomplished by the establishment of a cross-connection control program as required by State regulations. This chapter is adopted pursuant to Title 17, Section 7583 – 7605, inclusive, of the California Code of Regulations, entitled “Regulations Relating to Cross-Connections”.
- 17.02 Responsibility.** The Field Manager shall be responsible for implementing and enforcing the cross-connection control program. An appropriate backflow prevention assembly shall be installed at the expense of the water user at each user connection where required to prevent backflow from the water user’s premises to the Domestic water system. It shall be the water user’s responsibility to comply with Union Public Utility District’s requirements.
- 17.03 Cross-Connection Protection Requirements.** The type of protection that shall be provided to prevent backflow into the public water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the water user’s premises. Unprotected cross-connections with the public water supply are prohibited. The type of back-flow prevention assembly that may be required (listed in decreasing level of protection) includes: Air-gap separation (AG), Reduced Pressure Principle Backflow Prevention Assembly (RP), and a Double Check Valve Assembly (DC). The water user may choose a higher level of protection than required by the water supplier. The minimum type of backflow protection required to protect the approved water supply at the user’s water connection to premises with varying degrees of hazard are listed in Table 1 and shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the water supplier or health agency.
- 17.04 Backflow Prevention Assemblies.** Only backflow prevention assemblies, which have been approved by the Board of Directors of Union Public Utility District, shall be acceptable for installation by a water user. A list of approved backflow prevention assemblies will be provided upon request to any affected customer. Backflow requirements will be provided upon request to any affected customer. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, Title 17. Location of the

assemblies shall be as close as practical to the user's connection. The Union Public Utility District shall have the final authority in determining the required location of a backflow prevention assembly.

Only qualified testers shall conduct testing of backflow assemblies and testing will be the responsibility of the water user. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. More frequent testing may be required if deemed necessary by Union Public Utility District. No assembly shall be placed back in service unless it is functioning as required. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user. Approval must be obtained from the Union Public Utility District prior to removing, relocating or replacing a backflow prevention assembly.

17.05 Administration. The Field Manager shall administer the cross-connection control program. Union Public Utility District will establish and maintain a list of approved backflow prevention assembly testers. Union Public Utility District shall conduct necessary surveys of water user premises to evaluate the degree of potential health hazards. Union Public Utility District shall notify user when an assembly needs to be tested. The notice shall contain the date when the test must be completed.

17.06 Water Service Termination. When Union Public Utility District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the procedure for terminating water service shall be instituted. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

- 17.06.1 Refusal to install or to test a backflow prevention assembly, or to repair or replace a faulty backflow prevention assembly.
- 17.06.2 Direct or indirect connection between the public water system and a sewer line.
- 17.06.3 Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.

17.06.4 Unprotected direct or indirect connection between the public water system and an auxiliary water system.

For conditions 17.06.1 – Union Public Utility District will terminate service to a water user's premises after proper notification has been sent. If no action is taken within the allowed time period, water service shall be terminated.

For conditions 17.06.2, 3, or 4 – Union Public Utility District shall take the following steps:

1. Make reasonable effort to advise the water user of intent to terminate water service.
2. Terminate water service and lock the service valve. The water service shall remain inactive until Union Public Utility District has approved correction of violations.

Chapter 18

IRRIGATION SYSTEM

- 18.01 Purpose.** The purpose of this chapter is to set forth guidelines for irrigation users.
- 18.02 Annual Evaluation.** Union Public Utility District will conduct an annual evaluation of Irrigation Customer Services. This evaluation will determine if water is being used for agricultural purposes for which it is intended. If not, the District reserves the right to terminate service.
- 18.03 Non-Irrigation Season.** While Union Public Utility District normally leaves the irrigation system on during the non-irrigation season, the District does not serve water from November 1st to May 1st unless users have a pre-arranged agreement with the District.
- 18.04 Booster Pumps Prohibited.** Union Public Utility District prohibits future booster pumps on the irrigation system. Those pumps already installed will be evaluated on a regular basis. UPUD will require existing booster pump systems found to be affecting the UPUD system and other irrigation users to be discontinued.
- 18.05 Sale of Property with Existing Irrigation Meter.** *(Added 9/21/05 by Ord. No. 2005-02)* In the event that a parcel with an existing irrigation meter is sold, the new owner must request, in writing, a transfer of the meter from the Board of Directors. The irrigation meter does not automatically transfer with the sale of the parcel.

Chapter 19

EFFECTIVE DATE OF ORDINANCE

19.01 Effective Date. This Water System Ordinance shall be amended and shall supersede all previous Ordinances and shall take effect thirty (30) days from the date of the adoption of Ordinance No. 2005-02.