

# Contents

## Title 5 – WATER

### Chapter 5.01 – GENERAL PROVISIONS

#### Section 5.01.010 – Authority

### Chapter 5.02 – WATER SERVICE RULES AND REGULATIONS

#### Section 5.02.010 – General Provisions

#### Section 5.02.020 – Definitions

#### Section 5.02.030 – Water Department

#### Section 5.02.040 – General Rules

#### Section 5.02.050 – Application for Water Service

#### Section 5.02.060 – Temporary Service

#### Section 5.02.070 – Fire Protection

#### Section 5.02.080 – Cross-Connection Control

#### Section 5.02.090 – Customer Billing Procedures

#### Section 5.02.100 – Complaints and Disputed Bills

#### Section 5.02.110 – Disconnection for Non-Payment

#### Section 5.02.120 – Adding Delinquent Charges to Tax Roll

#### Section 5.02.130 – Charges

#### Section 5.02.140 – Policy to Avoid Disconnection Due to Non-Payment

### Chapter 5.03 – WATER SHORTAGE CONTINGENCY PLAN

# Title 5 – WATER

## Chapter 5.01 – GENERAL PROVISIONS

### Section 5.01.010 – Authority

Pursuant to Water Code Section 31024, the District has the authority to establish rules and regulations for the sale, distribution, and use of water.

## Chapter 5.02 – WATER SERVICE RULES AND REGULATIONS

### Section 5.02.010 – General Provisions

- A. Short Title – This Ordinance may be cited as the “Mission Springs Water District’s Water Regulations and Service Ordinance.”
- B. Intent – This Ordinance is intended to provide rules and regulations applicable to the administration and operational activities of the District. It may be amended from time to time by action of the Board of Directors of Mission Springs Water District.
- C. Enabling Statutes – This Ordinance is adopted pursuant to the applicable provisions of Division 12 of the Water Code and Division 5, Chapter 7, Title 5, Division 2 of the Government Code, and further pursuant to the Constitution of the State of California. The district is further authorized by Water Code Section 31027 to prescribe and define by ordinance those restrictions, prohibitions and exclusions it may determine to be necessary pursuant to the California Constitution Article X, Section 2 and Water Code Sections 31026, 375-277 and 1009 to restrict the use of district water during threatened or existing water shortages. It is also the intent of the Board of Directors to establish by this Ordinance those procedures and policies necessary for the orderly administration of a water conservation program to prohibit waste and to restrict water use during a water shortage emergency.
- D. Application – This Ordinance shall apply to all water facilities constructed, maintained, and operated by the District.
- E. Enterprise – The District will furnish and/or make available, a system, works, and undertakings used for and useful in, the delivery of water for the District’s service area, including all annexations thereto, lands, easements, rights in land, contract rights, and franchises.
- F. Separability – If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or circumstances are for any reason held to be unconstitutional or invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board of Directors hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases be declared to be unconstitutional.

- G. Words and Phrases – For the purpose of this Ordinance all words using the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.
- H. Publication – Upon adoption, this Ordinance shall be entered in the minutes of the Board of Directors and published in a newspaper of general circulation in the District’s service area within ten (10) days following its adoption.
- I. Means of Enforcement – The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of their Ordinances, Rules, and Regulations and not as a penalty.
- J. Notices – Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made either by personal delivery thereof to the person to be notified or by deposit in the U.S. Mail in a sealed envelope, postage prepaid, addressed to such person at his last known business or residence address as the name appears on public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Proof of giving any notice may be made by the certification of any officer or employee of the district or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Ordinance or other provisions of law applicable to the subject matter concerned.

- K. Effect of Heading – Title, division, or section headings contained in this Ordinance shall not be deemed to govern, limit, or modify in any manner, the scope, meaning or intent of any section or subsection of this Ordinance.

(Ord. No. 1993-03, § 2, 10-18-1993)

### Section 5.02.020 – Definitions

- A. Applicant – The person making this application hereunder shall be the owner of the premises involved, or his authorized agents, so authorized in writing to the District, or a licensed plumber or contractor.
- B. Board – The Board of Directors of Mission Springs Water District.
- C. Board of Directors – The Governing Body of Mission Springs Water District.
- D. Connection – The pipeline and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from the main to the premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.
- E. Contractor – Contractor shall mean an individual, firm, corporation, partnership, or association duly licensed by the State of California to perform the type of work to be done under a permit, contract, or agreement.
- F. Controller – Equivalent to Auditor of the District under Water Code Section 30540.

- G. Cost – The cost of labor, materials, transportation, supervision, engineering, and all other necessary overhead expenses.
- H. County – The County of Riverside, California.
- I. Cross-Connection – Any physical connection between the piping system from the District service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the District’s distribution system.
- J. Customer – Any person supplied or entitled to be supplied with water service by the District.
- K. Customer’s Service Valve – A valve independent of the District’s facilities located in the customer’s piping as close to the meter as practical, the operation of which will control the entire water supply from the meter.
- L. Developer – Shall mean any person commencing proceedings under applicable city or county ordinances to effect a land development.
- M. District – Mission Springs Water District, Riverside County, California
- N. District Engineer – Shall mean the Engineer or Engineering Firm appointed by the Board and acting for the District.
- O. Equivalent Fixtures Units (EFUs) – The number of Equivalent Fixture Units (EFUs) by the Uniform Plumbing Code or by provisions adopted by the Board.
- P. General Manager – The General Manager of the District.
- Q. Inspector – The person who shall perform the work of inspecting water facilities under the jurisdiction or control of the District.
- R. Main – A water line in a street, highway, alley, or easement used for public and private fire protection and for the general distribution of water.
- S. Owner – The person owning in fee title, or in whose name the legal title to the property appears, by deed duly recorded in the County Recorder’s office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.
- T. Permit – Any written authorization required pursuant to this or any other regulation of the District.
- U. Person – Any human being, individual, firm, company, partnership, association and private, public, or municipal corporation, the United States of America, the State of California, a district and any political subdivision, government agency.
- V. Premises – A lot or parcel of real property under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed a separate premise. Components of apartment houses and office buildings may be classified as single premises.
- W. Private Fire Protection Service – Water service and facilities for building sprinkler systems, hydrants, hose reels, and other facilities installed on private property for fire protection and the water available therefore.
- X. Public Fire Protection Service – The service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto,

and the water available for fire protection, excepting house service connections and appurtenances thereto.

- Y. Regular Water Service – Water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefore.
- Z. Residential – Any single-family unit, any duplex or triplex family unit not requiring licensing for occupancy and operation.
- AA. Secretary – The Secretary to the Board of Directors.
- BB. Service Connection – Shall mean the pipeline extending from the main, whether located in a public thoroughfare or private right-of-way, to the curb line or property line of the water user’s premises, together with the valves, meter and fittings and appurtenances necessary to connect to the water user’s private pipeline.
- CC. Temporary Water Service – Water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.
- DD. Uniform Plumbing Code – Shall be the most recent edition of the Code published by the International Association of Plumbing and Mechanical Officials.
- EE. Waste – Shall mean any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.
- FF. Water – Shall mean the water supplied by Mission Springs Water District.
- GG. Water Department – The Board of Directors of the District performing functions related to the District’s water service, together with the General Manager, District Engineer, Controller, and any other duly authorized representatives.
- HH. Water Supply Shortage – Shall mean any water shortage caused by drought or any other threatened or existing water shortage, earthquake, disaster, or facility failure, loss of electrical power, pipe line breakage, or other condition which results in, or threatens to result in, the District’s inability to meet the water demands of its customers. Water shortage shall also be a condition or conditions prompted by declaration of the Governor of California, and/or an authorized legislative body of an agency of the State of California.
- II. Water User – Shall mean any person, firm, partnership, association, corporation or political entity using water obtained from the water system of the District.

(Ord. No. 1993-03, § 3, 10-18-1993)

### **Section 5.02.030 – Water Department**

- A. Creation – A Water Department is hereby created comprised of the Directors, the General Manager, the Controller and such other employees and assistants as may be hired.
- B. General Manager – The General Manager, as provided for in Water Code Section 30580, shall have full charge and control of the maintenance, operation and construction of the water works and water distribution system of the District.
- C. Violation and Repairs – The Director of Operations shall promptly report any violation or disrepair to the General Manager. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to customers pending action by the General Manager.

- D. Supervision – The Director of Operations shall supervise all repair or construction work authorized by the General Manager, and perform any other duties prescribed by the General Manager.
- E. The Controller – The Controller shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the District. The Controller shall furthermore, compute, prepare, and mail bills as hereinafter prescribed, make and deposit collections, maintain proper books of account, collect, account for, and refund deposits, and do whatever else is necessary or directed by the General Manager to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now and hereafter prescribed by the General Manager.

(Ord. No. 1993-03, § 4, 10-18-1993)

### Section 5.02.040 – General Rules

- A. Standards – The Board of Directors may, from time to time, adopt standard requirements for the design, construction, repair and maintenance, or connection to District water system.
- B. Violation Unlawful – Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install, provide, maintain, or use any other means of water facilities from any building in the area serviced with water by said District except by connection to water facilities in the manner as provided for in this Ordinance. Any violation of this Ordinance will be subject to the provisions of this section, at the discretion of the General Manager.
- C. Notice of Violation – Wherever or whenever practical under the particular circumstances and pursuant to the discretion of the General Manager, any person found to be violating any provision of this or any other Ordinance, Resolution, Rule, or Regulation of the District shall be served, by the Inspector or other authorized person, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two, nor more than seven, working days unless otherwise specified. The offender shall, within the period of time stated in such notice, permanently cease all violations. Upon being notified by an authorized representative of the District of any defect arising in any water facility or of any violation of this Ordinance, the person or persons having charge of said work shall immediately correct the same. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other Ordinance, Resolution, Rule, or Regulation of the District.
- D. Protection from Damage – No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the District's water works. Any person violating this provision shall be subject to the penalties provided by law.
- E. Investigation Powers – The officers, inspectors, manager and any duly authorized employees of the District shall carry evidence establishing his position as an authorized representative of the District and upon exhibiting the proper credentials and

identification shall be permitted to enter in and upon any and all building, industrial facilities and properties to which the District is furnishing water or has been requested to furnish water for the purpose of inspecting, reinspect, observing, measuring, sampling, testing, or otherwise performing such duties as may be necessary in the enforcement of the provisions of the Ordinances, Resolutions, Rules, and Regulations of the District pursuant to the authorization contained in the required application for water service.

- F. Non-Compliance with Regulations – As an alternative method of enforcing the provisions of this or any other Ordinance, Resolution, Rule, or Regulation of the District, the District shall have the power to disconnect the user or subdivision water service from the water mains of the District. Upon disconnection, an authorized representative of the District shall estimate the cost of disconnection from and reconnection to the system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system.
- G. Liability for Violation – Any person violating any of the provisions of the Ordinances, Rules or Regulations of the District shall become liable to the District for any expense, loss, or damage, occasioned by the District by reason of such violation.
- H. Relief on Appeal – When any person, by reason of special circumstances, is of the opinion that any provision of the Ordinances, Rules or Regulations of the District is unjust or inequitable as applied to the person or premises, they may file a written appeal to the Board of Directors stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to a particular premises. If such appeal is approved, the Board of Directors may suspend or modify the provision complained of, as applied to such person or premises, to be effective as of the date of the appeal and continuing during the period of the special circumstances. All decisions of the Board of Directors regarding such appeal are final.
- I. Relief on Own Motion – The Board of Directors may, on its own motion, find that by reason of special circumstances, any provisions of its Ordinances, Rules or Regulations should be suspended or modified as applied to a particular person or premises and may order such suspension or modification for such premises during the period of such special circumstances or any part thereof. All decisions of the Board of Directors regarding such relief are final.
- J. Maintenance of Water Pressure and Pressure Conditions – The District shall not accept any responsibility for the maintenance of pressure. The District also reserves the right to discontinue service while making emergency repairs, or other work required on the water system as determined by the General Manager. Customers dependent upon a continuous supply should provide emergency storage. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the district harmless for any damages arising out of low pressure or high pressure conditions or interruptions of service.
- K. Water Pressure Conditions – Due to topography and other causes, the pressure is not uniform over the territory the system serves. The District reserves the right to change to different pressure in various areas served. However, it shall be the aim and attempted function of the District to maintain adequate pressure at all existing services. Water users

dependent upon a continuous water supply should provide adequate storage for emergencies; however, the District assumes no obligation to serve water to elevations higher than its existing facilities serve.

Water users having water heaters, boilers, or other devices requiring a continuous water supply, should take all necessary action to prevent damage or injury to such devices as a result of the shutting off of the water supply.

- L. Tampering with District Property – Except as otherwise specifically authorized by the General Manager, no one, except an employee or representative of the District, shall at any time in any manner operate the curb stops or valves, main stops, gate valves of the District's system; or interfere with meters or their connections, street mains or other parts of the water system.
- M. Charge for Violation – Failure of a customer to comply with all or any parts of this ordinance, or any other ordinance, resolution or order fixing rates and charges of this district's water service, shall result in said service being discontinued and water shall not be supplied such customer until the customer is in full compliance with the rules and regulations, rates or charges which have been violated.
- N. Water System – The District will furnish a system, works and undertakings used for and useful in obtaining, conserving, and dispensing of water for public and private uses, including all parts of the District, all appurtenances to it, all lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.
- O. Number Services per Premise – The applicant may apply for as many services as may be reasonably required for his premises provided that the pipe line system for each service be independent of the others and that they not be interconnected.
- P. Waste of Water – No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the District may discontinue the service if such conditions are not corrected after giving notice of violation as provided in Section 5.02.040(C) herein.
- Q. Responsibility for Equipment on Customer's Premises – The District's responsibility ends at the beginning of the water user's side of the meter, or in the case of an unmetered or other special installation, at the point where the District's facilities end. All services, valves, and water meters installed by the District shall at all times remain the property of the District and shall be maintained, repaired, and removed by the District whenever rendered unserviceable through normal wear and tear. Where replacements, repairs or adjustments of any meter are rendered necessary by the act, negligence, or carelessness of the water user or any member of his family or person in his employ, the District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.
- R. Damage to Water System Facilities – The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees, or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler

or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

- S. Ground-Wire Attachments – All individuals or business organizations are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District. The District will hold the owner liable for any damage to its property occasioned by such ground wire attachments.
- T. Control Valve on the Customer's Property – The customer shall provide a valve on his side of the service installation, as close to the meter location as practical, to control the flow of water to the piping on his/her premises. The customer shall not use the service curb stop to turn water on and off for his/her convenience.
- U. Unsafe Apparatus – Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.
- V. Cross-Connections – Water service may be refused or discontinued to any premises where there exists a cross-connection as defined in Section 5.02.080 of this Ordinance.
- W. Fraud or Abuse – Subject to Section 5.02.090(l) and 5.02.110(A), if necessary, service may be discontinued to protect the District against fraud or abuse.
- X. Interruptions in Service – The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the District.
- Y. Ingress and Egress – District representatives shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.
- Z. Installation of Services – Only duly authorized employees or agents of the District shall be authorized to install service connections. All service connections shall comply with the specifications of the District, including automatic meter reading devices. Meters will be installed in easements and right of ways, 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 connections. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.
- AA. Change in Location of Meters – Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved for the convenience of the District will be moved at the District's expense.
- BB. Service Size and Location – Where practical, the District will install the service connection at a location selected by the applicant. However, the District reserves the right to determine the size of the service connection and its location in relation to boundaries of the premises to be served. Customarily, a service connection will terminate at a point behind and adjacent to the curb in streets or adjacent to the property line in alleys or other utility right-of-way.

In locations where the applicant's premises do not directly abut a public thoroughfare, the District, at its option, may provide a service connection of conventional length terminating at some practical location on public property, and applicant shall be responsible for providing a connection thereto. The applicant's pipe to connect to the District's service connection shall not be laid until the service connection is installed.

In the event the applicant's pipe is laid prior to the time the service connection is installed, and this location does not correspond with that of the service connection, then applicant shall bear the additional cost of connecting the service connection pipe with the applicant's pipe.

- CC. Curb Stop – Each service connection installed by the District shall be equipped with a curb stop or gate valve on the inlet side of the meter. Such valve or curb stop is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb stop or gate valve is damaged by the customer's use, the replacement shall be at the customer's expense.
- DD. Access to Meters – The District reserves the right to enter upon the applicant's premises for the purpose of reading, repairing or replacing the water service meter. The applicant shall be solely responsible for the control of all animals which may pose a potential threat to District employees and shall be liable for any injury to District employee resulting from unrestrained animals. Should an applicant for new service fail to properly restrain animals present on his property, the District may, upon written notice, refuse to install or turn on service until such time as the District determines that a threat to its employees no longer exists. In the case of existing customers, where District employees may encounter some personal risk in attempting to read a meter (due to the presence of unrestrained animals, or otherwise), the employee is not required to read the meter, and the customer's bill will be estimated based upon the last year's consumption plus the average increase in consumption in the District. The meter will be read quarterly in the presence of the customer or someone of his choosing, so that over estimates and under estimates of use may be rectified on the bill.

(Ord. No. 1993-03, § 5, 10-18-1993)

### Section 5.02.050 – Application for Water Service

- A. Application for Water Service – The property owner or his agent designated in writing, shall make application for regular water service by personally signing an "Application For Water Service" form provided by the District and paying the necessary fee for connection to District facilities, as prescribed in the latest Resolution on fees adopted by the Board of Directors.
- B. Water Service to Customers other than Property Owners – Service to other than property owners shall be made in accordance with this Section. Service may be initiated in the name of a tenant of the owner provided a copy of the lease agreement is provided to the District and provided that both the tenant and the owner shall execute the Application for Water Service and be responsible for the water charges as provided below.
  - 1. Owner's Responsibility – Whether or not a property owner has signed the District's application for service form, the property owner is not relieved of his or her responsibility for unpaid water charges for the subject property as provided in this Ordinance and pursuant to California Water Code Section 31701 et. seq.
- C. Security Deposits
  - 1. Security Deposit Residential

A security deposit for a single-family residential unit shall not be required except upon the determination by the District that the person requesting service is not creditworthy. The determination of creditworthiness shall be upon criteria determined by the Controller, and may be appealed as provided in Section 5.02.050.

2. Security Deposit Commercial – A security deposit for each commercial unit, retail unit, or multi-unit complex shall be deposited at the time application is made.
- D. Security Deposit Refund – The District shall refund each security deposit to the residential customer when funds have been on deposit for one year in a customer's account and there has been no more than one delinquent payment on that account during the year; within thirty (30) days after the date of termination of the account provided the applicant gives the District written notice to terminate water services; or when a new property owner makes a deposit for the same property. The District shall refund the security deposit for commercial, retail, or industrial connections within thirty (30) days after the date of termination of the account provided the customer gives the District written notice to terminate water service; or when a new property owner makes a deposit for the same property.
- E. Change in Customer's Equipment – Customers who make any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a significant increase in the use of water shall immediately give the District written notice of the nature of the change and, if necessary, amend their application. The District at its discretion may change the size of the service and charge the customer according to current fee resolution.
- F. Domestic, Commercial, and Industrial Service Connections – It shall be unlawful to maintain a connection except in conformity with the following:
1. Multiple Units – Multiple units shall include separate houses, buildings, condominiums, living or business quarters on the same premises or on adjoining premises under single control or management. The District may determine the size of the service connections and their locations in relation to boundaries of the premises to be served and the point of connection to the water user's facilities. The District may limit the number of houses, units, buildings or area of land under one ownership to be supplied by one service connection.
  2. Single Connection – Not more than one service connection for domestic or commercial supply shall be installed for a building, except under special conditions as provided in Section 5.02.070 (Fire Protection).
  3. Service Connection – A service connection shall not be used to supply any adjoining property, or property across a street, alley, or easement.
  4. Divided Property – When property provided with a service connection is divided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters.
- G. Service Connection Maintenance – The service connection extending from the water main to the meter, meter box, and curb stop shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter box shall be installed and maintained by the owner of the property, with the exception of the backflow prevention devices, if required.

Installation and maintenance of such devices shall be in accordance with Section 5.02.080.

- H. Damages Through Leaking Pipes and Fixtures – When turning on the water supply as requested to a vacant house or property, the District will make a reasonable attempt to determine if water is running inside of the building. If such is found to be the case, the water will be left shut off at the curb stop or the private shutoff. The District's jurisdiction and responsibility ends at the property line and the District will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.
- I. Damage to Meters – The District reserves the right to set and maintain a meter on any service connection. The water customer shall be held liable for any damage to the meter due to his negligence or carelessness.
- J. Main Extension Required – The District will provide for all main extensions upon application for service and payment of required charges.
  - 1. Application – Any owner of one or more lots, parcels, or subdivider of a tract of land desiring the extension of one or more water mains to serve such property, shall make written application to the District. Said application shall contain the legal description of the property to be served, tract number, and any additional information which may be required by the District, and may be accompanied by a map showing the location of the proposed connections.
  - 2. Investigation – Upon receipt of the application, the District shall make an investigation and survey of the proposed extension and estimate the cost thereof.
  - 3. Dead-End Lines – No dead-end lines shall be permitted, except at the discretion of the General Manager. In cases where circulation lines are necessary they shall be designed and installed by the District as a part of the main extension.
  - 4. Specifications and Construction – The size, type, and quality of materials and location of the lines shall be specified by the District. Actual construction will be performed by the District or a contractor acceptable to the District.
  - 5. Property of District – Upon completion of such installation, the facilities shall be dedicated to and become property of the District.
  - 6. Connections – The applicant shall, at his cost, provide all connections to buildings and private water systems, as herein provided.
  - 7. Reimbursement Agreement – Upon request of an applicant who has paid the cost of constructing a main line extension which contains capacity sufficient to benefit other properties when and if they should request connection for service therefrom, the District shall enter into a Reimbursement Agreement to reimburse the applicant the proportionate amount of cost advanced which represents the value of the additional capacity in the line. Reimbursement shall be collected by the District in the form of front footage charges imposed on future connections to the main line.

The terms of the Reimbursement Agreement shall be conditioned upon actual receipt by the District of the main line extension front footage fees over period of ten (10) years from the date of the Reimbursement Agreement for private property owners, and for a period not to exceed fifteen (15) years for public agency applicants.

(Ord. No. 1993-03, § 6, 10-18-1993; Ord. No. 1997-01, §§ 1-3, 4-21-1997)

### Section 5.02.060 – Temporary Service

- A. General Provisions – Upon application to the District, water may be procured from fire hydrants if in the opinion of the General Manager or his authorized representative such excess water is available. The applicant must complete and sign an appropriate permit and deposit with the District an amount established pursuant to the current fee resolution.

Temporary services, whether from a fire hydrant or otherwise, are installed for the convenience and use of persons doing construction work. Temporary services are not limited to construction purposes but may be installed for any use. Any temporary service may be discontinued during any emergency for the duration of the emergency. Temporary services are not transferable except to the successors in interest of the applicants by operation of law.

- B. Duration of Service – Temporary service connections shall be disconnected and terminated within four (4) months after installation unless an extension of time is granted in writing by the General Manager.
- C. Security Deposit – The applicant shall deposit, in advance, the estimated cost of the temporary service. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit.
- D. Installation and Operation – All facilities for temporary service to the customer shall be installed and operated in accordance with District instructions.
- E. Responsibility for Meters and Installations – The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are installed until they are removed. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer. The customer shall give notice to the district in writing at least forty-eight (48) hours prior to the time the customer or other person is finished with the meter or meters and the installation.
- F. Unauthorized Use of Hydrants – Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is subject to a penalty charge for each occurrence as may be set by the Board.
- G. Meter Availability – The applicant shall make the hydrant meter available as prescribed by the District for reading on a monthly or bimonthly basis.
- H. Pools and Tanks – When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other customers are not inconvenienced thereby.
- I. Responsibility for Equipment – The customer shall, at his own risk and expense, furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water. The District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the

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

(Ord. No. 1993-03, § 7, 10-18-1993)

## Section 5.02.070 – Fire Protection

- A. Public Fire Protection – The following pertains to the use of District facilities for public fire protection:
  - 1. Use of Fire Hydrants – Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the Water Department. Unauthorized use of hydrants will be prosecuted according to law.
  - 2. Moving of Fire Hydrants – When a fire hydrant has been installed in a location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desire a change in the size, type, or location of the hydrant, they shall bear all costs of such charges, without refund. Any change in a location of fire hydrant must be approved by the proper authority.
- B. Private Fire Protection Service – The following pertains to the use of District facilities for private fire protection systems with the exception of single-family residences:
  - 1. Payment of Cost – The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the service location including the cost of a detector check meter or other suitable and equivalent device, valve, and meter box, said installation to become the property of the District.
  - 2. No Connection to Other System – There shall be no connection between this fire protection system and any other water distribution system on the premises.
  - 3. Use – There shall be no water used through the fire protection service except to extinguish fires and for testing the fire-fighting equipment.
  - 4. Charges for Water Used – Any consumption recorded on the meter will be charged as provided in District Resolution except that no charge will be made for water used to extinguish fires where such fires have been reported to the fire department.
  - 5. Monthly Rates – The monthly rates for private fire protection shall be established from time to time by Resolution of the Board of Directors.
  - 6. Water for Fire Storage Tanks – Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available.
  - 7. Violation of Agreement – If water is used from a private fire service in violation of the agreement or this Ordinance, the District may, at its option, discontinue and remove the service.

8. Valve – When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.
9. Meter – If the District does not require a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, the District shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises.
10. Additional Service – The District shall have the right to take a domestic, commercial or industrial meter service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The District shall also have the right to determine the proportion of the installation costs properly chargeable to each service connection, if such segregation of costs shall become necessary.
11. Check Valve – The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters and/or the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control Research, University of Southern California, and to equip the same with a bypass meter at the expense of the owner of the property.

(Ord. No. 1993-03, § 8, 10-18-1993)

### Section 5.02.080 – Cross-Connection Control

- A. Cross-Connections – The purpose of this Section is to protect the public potable water supply system of Mission Springs Water District by establishing a Cross-Connection Control Program to effect the control of cross-connections, actual or potential, thereby isolating within the customer's private water system or internal piping, contaminants or pollutants which could backflow or back siphon into the District's water supply system.

The Regulations relating to cross-connections as established in the California Administrative Code, Title 17, as amended from time to time and the most recent edition of Cross-Connection Control published by the Foundation for Cross-Connection Control Research, University of Southern California, insofar as these regulations are applicable to the protection of water supply of this District are hereby adopted, incorporated herein by reference and made a part hereof.

- B. Determination of Cross-Connection – Upon the determination by the District that a backflow prevention device is required in the customer's private piping system for the safety of the public water supply system, the District shall immediately install such a device in the manner and location prescribed in Section 5.02.080(F)(3). All costs for such installation will be paid by the customer.
- C. Discontinuance of Service – Failure to install said device as prescribed shall constitute grounds for discontinuance of water service to the premise. No water service shall be installed or maintained by the District to any premises on which there exists or there is suspected to exist cross-connection between the public water supply and other piping, fixtures, appliances, equipment, drains, or any system which might cause contamination

or pollution through backflow or back siphonage, unless such service is protected by the installation of a backflow prevention device.

- D. Degree of Hazard – The type or kind of device installed shall depend on the degree of hazard involved. The degree of hazard shall be determined by the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control Research, University of Southern California.
- E. Approved Devices – The District shall maintain and make available a list of approved backflow prevention devices which may be installed for the protection of the public water supply system.
- F. Inspection, Testing, and Maintenance – All backflow prevention devices shall be inspected and tested at least annually for proper operation. Inspection and testing shall be performed by the District's certified inspector or a District approved private inspector. The results of each test, including repairs, shall be recorded on a form maintained by the District.
  - 1. Repair of Defective Devices – In the event that the device is found to be defective, the District shall make the necessary repairs and/or replacement and bill the customer for the repair and/or replacement. All annual inspections, testing, and acceptance tests after installation, repair and/or replacement shall be at the expense of the owner.
  - 2. No Service Unless Property Protected – A water service connection to any premise shall not be installed or maintained unless the public water supply system is protected in accordance with the laws of the State of California and this Ordinance. If a backflow prevention device has not been installed, tested and maintained in accordance with the provisions of this Ordinance, or if a backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premise, water service shall be discontinued immediately and not restored until such condition or defect have been corrected.
  - 3. Installation Required – Upon the determination by the District that a backflow prevention device is required on a customer's water service line, it shall be installed immediately behind the meter and before the first branch line leading off the service line.
- G. Cross-Connection Control Criteria – Criteria examined to determine whether a backflow prevention device is required shall include, but not be limited to, the following:
  - 1. Auxiliary Water Supply – A premise being or to be served with water by the District having an auxiliary water supply of a quality which is not acceptable to the District as an additional source.
  - 2. Industrial Hazards – A premise on which industrial fluids or other objectionable substances are being handled in a manner as to create an actual or potential hazard to the public water supply.
  - 3. Inspection Not Possible – A premise whose internal piping system has cross-connections that cannot be corrected or controlled, or the system is not accessible for inspection to make a determination of the existence of a cross-connection.
- H. Enforcement – Service of water to any premise shall be discontinued by the District if a backflow prevention device required by the Rules and Regulations of the District is not installed, tested and maintained or if defects are found in the installed backflow

prevention device or if it is found that a backflow prevention device has been removed or bypassed or if unprotected cross-connections exist on the premises. Service will not be restored until such condition or defects are corrected. The District representative assigned to inspect premises relative to possible cross-connection hazards, shall carry proper credential of his office, upon exhibition of which, he shall have the right of entry during usual business hours to inspect any and all buildings and premises in the performance of his duty. This right of entry shall be a condition of water service in order to provide assurance that the continuation of service to the premises will not constitute a menace to health, safety and welfare to the people throughout the District's water system.

(Ord. No. 1993-03, § 9, 10-18-1993)

### Section 5.02.090 – Customer Billing Procedures

- A. Establishment of Rates and Charges – The Board of Directors shall from time to time by Resolution, establish rates and charges for water and other service provided by the Mission Springs Water District.
- B. Charges – Water charges shall begin when a water service connection is installed and the meter is set or an existing service is requested to be turned on, unless the water is ordered to be left shut off when the service connection is ordered or installed.
- C. Liability for Water Used – The property owner shall be held liable for water used until the District is notified in writing to discontinue service or to transfer the account to another property owner.
- D. Liens for Unpaid Bills – All unpaid bills will be made a lien against the property pursuant to California Water Code Section 31701 et. seq. and to these Rules and Regulations.
- E. Owner Liability – The property owner remains responsible for all charges owed to the District whether or not the property owner actually lives on the premises, or signs the application for water service form.
- F. Billing Period – The regular billing period will be monthly or bimonthly at the option of the District.
- G. Opening and Closing Bills – Opening and closing bills for less than the normal billing period shall not be pro-rated. Closing bills may be estimated by the District for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.
- H. Payment of Bills – Bills for metered water service shall be rendered at the end of each billing period and are due and payable upon presentation. If full payment is not received at the business office of the District on or before the final payment date, the bill shall become past due and delinquent.
- I. Delinquency Notice – A delinquency notice shall be mailed to customers whose accounts are delinquent, warning that service will be disconnected unless payment is made within sixty (60) calendar days from the date of delinquency. The delinquency notice shall be provided to the customer no less than seven (7) business days before discontinuance of residential service. For purposes of this Section the delinquency shall be deemed to occur as provided in Section 5.02.090(H). If the customer's address is not the address of the

property to which residential service is provided, the notice shall also be sent to the address of the property to which the residential service is provided addressed "occupant".

1. Contents of the Delinquency Notice – The delinquency notice shall include customer's name and address; amount of the delinquency; date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service; description of the procedure to petition for bill review and appeal; and description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges. The foregoing policies and procedures shall be prepared by and may be amended from time to time by the General Manager or his or her designee. Notice of any delinquency in a tenant's account shall also be sent to the owner of the property with indication of the owner's liability. The delinquency notice may be combined with the regular monthly bill.
- J. Suit – All unpaid rates, charges and penalties herein provided may be collected by suit.
- K. Costs – Defendant shall pay all costs of suit in any judgment rendered in favor of District, including reasonable attorney's fees.
- L. Upon Vacating Premises – Customers desiring to discontinue service should so notify the District in writing at least two (2) days prior to vacating the premises. Unless discontinuance of service is ordered in this manner, the customer shall be liable for ongoing charges whether or not any water is used, up until time of requested discontinuance of service.

(Ord. No. 1993-03, § 10, 10-18-1993; Ord. No. 2020-01, 1-21-2020)

### Section 5.02.100 – Complaints and Disputed Bills

- A. Right to Meet – Should a customer have a complaint with regard to water service, the District Rules, Regulations, Resolutions, Ordinances, or dispute the accuracy of a bill for water service or other charges, for any reason whatsoever, the customer has the right to meet first with the Controller and then the General Manager to discuss the dispute and present any evidence the customer has to support their position.
- B. Arrangement of Meeting – To arrange such a meeting the customer shall contact the District office, either in writing or by telephone, during normal business hours as may be set by the Board.
- C. Presentation of Evidence – The customer may be accompanied by a friend, attorney, or other representative to meet with the Controller or General Manager and may present any evidence they may have to support their position.
- D. Unresolved Disputes – If the customer is unable to resolve his dispute with the Controller or General Manager he may submit the complaint in writing, along with a full and detailed explanation to the Public Affairs Committee of the Board of Directors for resolution or referral to the Board of Directors pursuant to Section 5.02.040(H) (Relief on Appeal).
- E. Discontinuance of Service – No water or other service shall be discontinued pending the final resolution of a dispute.
- F. Meter Test Deposit – Should a customer desire to have the water meter service serving their premises tested, he shall first deposit an amount as specified in District Resolutions,

for testing of meters up to one-inch (1") in size, and shall be present when the meter is tested in the meter shop of the Water Department. Should the meter register more than two percent (2%) fast, the deposit will be refunded, but should the meter register less than two (2%) fast, the deposit will be retained by the District.

- G. Adjustment for Fast Meter Errors – If a meter tested at the request of a customer is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.
- H. Adjustment for Slow Meter Errors – If a meter tested at the request of a customer is found to be more than ten percent (10%) 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.
- I. Non-Registering Meters – If a meter is found to be not registering, the charges for service shall be based on estimated consumption using previous consumption for a comparable period or by such other method as is determined appropriate. Such estimates shall be made by the General Manager, subject to the right of appeal under Section 5.02.040(H).

(Ord. No. 1993-03, § 11, 10-18-1993)

### Section 5.02.110 – Disconnection for Non-Payment

- A. Notice of Disconnection for Non-Payment – Water service shall be discontinued if payment for water service is not made within sixty (60) calendar days of the date the applicable bill becomes delinquent as provided in Section 5.02.090(I) and provided further that no less than seven (7) business days before discontinuation of residential service for nonpayment either telephonic notice or, a written notice of discontinuation shall be provided to the customer named on the account and the disconnection policies referred to in Section 5.02.090(I) shall be mailed to the residence where the service is provided at the same time. In addition to the forgoing seven day notice, at least forty-eight (48) hours prior to termination, the District will make a reasonable attempt to notify the resident of the affected property by telephone, personal contact, and/or door hanger.
  - 1. Contact with Customer – If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and the written delinquency notice required by Section 5.02.110(A) is returned through the mail as undeliverable, the District shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for non-payment referred to in Section 5.02.090(I).
- B. Complaint Procedures for Disconnection – Service disconnection for non-payment of bills or violation of any of the District's Rules, Regulations, Ordinances or Resolutions is subject to the complaint procedures specified in Section 6.02.100 herein.
- C. Refusal or Neglect to Pay Debt – Any amount due is a debt to the District and any person, firm or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action for the amount due in a court of competent jurisdiction.

- D. Lien Against Property for Non-Payment – Any unpaid debt will be deemed a lien against the real property to which service is rendered as specified herein and California Water Code Section 31701 et seq.
- E. Service Charges for Violations – If water service is disconnected for violation of any of the District's Rules, Regulations, Resolutions or Ordinances, service shall not be reinstated until the violations have been corrected and all applicable service charges and fees as provided for herein are paid.
- F. Partial Payments – A partial payment of a delinquent account may be accepted and credited to a customer's account, but such partial payment shall not be cause for removing the account from a delinquent status and shall not preclude the meter from being turned off for delinquency, except as otherwise stated in Section 5.02.110(F)(1).
  - 1. Partial Payment Options – Options for partial payments as developed by the District General Manager or his or her designee shall include the following: amortization of the unpaid balance, participation in an alternative payment schedule, a partial or full reduction of the unpaid balance financed without additional charges to other ratepayers, and temporary deferral of payment. The repayment option offered should result in repayment of any remaining outstanding balance within 12 months. A longer repayment period may be granted at the discretion of the General Manager, if it is determined that a longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.
- G. Authorization for Continuance of Service for Delinquent Accounts – The General Manager, or his designee, may authorize continuation of service to a delinquent account if financial arrangements satisfactory to the district are established and the General Manager shall authorize continuance of services if the following conditions are met:
  - 1. Customer submits certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where service is provided; and.
  - 2. Customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for a deferred or reduced payment with respect to all delinquent charges consistent with these Rules and Regulations. The repayment option provided should result in repayment of any remaining outstanding balance within twelve (12) months.
- H. Discontinuance under Section 5.02.110(G) – Residential service may be discontinued with respect to a customer having executed an amortized agreement, alternative payment schedule, or plan for deferred or reduced payment under Section 5.02.110(G)(2) if:
  - 1. Final notice of intent to disconnect service is prominently displayed and conspicuously posted at the property at least five (5) business days prior to the termination date; and.
  - 2. Customer fails to comply and is at least sixty (60) days delinquent on the amortization agreement, alternative payment schedule or deferred or reduced payment plan as provided in Section 5.02.110(G); or.
  - 3. Customer fails to pay current residential service charges for sixty (60) days or more while participating in an amortization agreement, alternative payment schedule, or a

deferral or a reduction in payment plan for delinquent charges under Section 5.02.110(G).

- I. Report of Discontinuance – The District shall report the number of annual discontinuations of residential service for inability to pay on the District’s Internet Website, and to the Regional Water Quality Control Board.

(Ord. No. 1993-03, § 12, 10-18-1993; Ord. No. 2020-01, 1-21-2020)

### Section 5.02.120 – Adding Delinquent Charges to Tax Roll

- A. Report of Delinquent and Unpaid Charges – A report of delinquent and unpaid charges for water and other services which remain unpaid and delinquent for ninety (90) days or more on July 1 of each year shall be prepared and submitted to the Board for consideration as tax liens. The unpaid and delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report.
- B. Adoption and Filing of Report – The secretary shall file with the Riverside County Assessor and Board of Supervisors, in the time and manner specified by the County Assessor and Board of Supervisors, a copy of such written report with a statement endorsed thereon over the signature of the secretary, that such a report has been adopted and approved by the Board of Directors and that the County Assessor shall enter the amount of such charges against the respective lots or parcels of land as they appear on the current assessment roll.
- C. Collection of Delinquent and Unpaid Charges – The County Assessor shall include the amount of charges on bills for taxes levied against their respective lots and parcels of land and thereafter, the amount of such unpaid and delinquent charges shall be collected at the same time and in the same manner by the same person as, together with and not separately from, the general taxes, if any, for the district or the County and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

(Ord. No. 1993-03, § 13, 10-18-1993; Ord. No. 2020-01, 1-21-2020)

### Section 5.02.130 – Charges

- A. Charges – All charges described herein shall be adopted by Board Resolution.
- B. Adjustment of Connection Charges – To reflect the changing cost of construction, the charges contained herein may be adjusted annually by the District in accordance with its actual costs for connections from the previous year.
- C. Consumption Charge – The charge per hundred cubic feet for all water registered by the customer's water service meter.
- D. Delinquency Charge – A charge added to each delinquent account at the time any amount becomes delinquent with the exception of an account that has had no delinquencies in the prior 12-month period. When a delinquency charge is made, such charge shall be added to the delinquent account as of the date the account becomes delinquent. This charge shall become an inseparable part of the amount due as of that time.
- E. Disconnect/Reconnect Charge – The charge which covers reasonable District costs for disconnection and reconnection of service connections which are in violation of the provisions contained herein.

1. Reconnect Charge – The charge which covers a reconnection of service fee for reconnection during normal operating hours shall be fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during non-operational hours, the charge which covers a reconnection of service fee shall be one hundred fifty dollars (\$150), but not to exceed the actual costs of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.
- F. Fire Hydrant Installation Charge – The charge for installation of fire hydrants as may be required.
- G. Fire Service Standby Charge – The standby charge per diameter inch of the District fire service meter. Water use through this service is limited to emergency fire requirements only.
- H. Inspection Charge – The charge to a customer when a service connection or facility requires inspection by District personnel.
- I. Meter Test Charge – The charge which covers District costs for pulling, testing, and reinstalling the water meter to be tested.
- J. Security Deposit Charge – The charge which insures payment of minimum District charges. Upon discontinuance of service, the Security Deposit shall be applied to reduce any unpaid charges outstanding on the customer's account. The amount of deposit required shall be established by the Board of Directors in the Resolution on Fees. The Security Deposit shall be refunded to the customer as provided in Section 5.02.050(D) herein.
- K. Special Facilities Charge – A charge required for development of limited-service areas whenever special facilities, including, but not limited to, booster stations, hydro-pneumatic stations, and pressure regulators, are required. The charge to be made to a developer or owner of land that is considered by the District to be within a limited-service area shall be based upon the developer's or landowner's proportionate share of the cost for the installation of such special facility. Such proportionate share to be borne by the developer or landowner shall be based on the percentage of such development to the entire limited service area to be served by the special facilities; and the difference between the cost of facilities to serve the same number of acres or area under normal conditions and the cost of facilities to serve the acreage or area under special conditions at a higher cost.
- L. Service Charge – The monthly service charge applicable to all metered services.
- M. Unauthorized Use of Water Charge – The charge to any person, organization or agency for each unauthorized use of District water, or for tampering in any manner with any meter belonging to the District, in which tampering shall affect the accuracy of such meter.
- N. Water Main Extension Charge – The charge for the replacement or construction of the water main fronting on the property to be served.
- O. Water Service Connection Charge – The charge for the type and size of water service connection desired. Such regular charge shall be paid in advance by the applicant. Where

there is no regular charge, the District reserves the right to require the applicant to deposit an amount equal to the estimated cost of such service connection.

- P. Water System Design Charge – A non-refundable charge which shall be required for all main extensions, service connections and/or special facilities requiring the preparation of engineering plans and drawings.
- Q. Construction Water Charge – A charge for temporary water service. It is a monthly billing and includes a service charge and a consumption charge billed at the highest rate for consumption.
- R. Lien Release Fee – A charge to recover costs related to the preparation of lien and subsequent lien releases.
- S. Returned Check Charge – A charge to be applied to an account if a check for payment for any service is returned to the District unpaid by the issuing bank for any reason. If service is disconnected, this charge and the amount of the returned check must be paid before service is restored.
- T. Interest Charge – At the request of a residential customer showing by clear and convincing evidence that he or she meet the requirements of Health & Safety Code Section 116914, the District will waive any then outstanding unpaid interest charges no more often than once every twelve months. A separate request shall be filed with the District along with any additional information requested by the District for each 12 month period.

(Ord. No. 1993-03, § 14, 10-18-1993; Ord. No. 1997-01, 4-21-1997; Ord. No. 2020-01, 1-21-2020)

### **Section 5.02.140 –Policy to Avoid Disconnection for Non-Payment**

- A. Reduced or Deferred Payments: The District has partnered with United Way of the Desert to provide assistance to customers who need help paying their water bill. To apply: call United Way of the Desert at (760) 323-2731, ext. 23 to make an appointment. For general information on the program visit [https://www.mswd.org/bill\\_assistance.aspx](https://www.mswd.org/bill_assistance.aspx).
- B. Alternative Payment Schedule: A customer who is in delinquency per Water Regulations and Service Ordinance and who meets the criteria in Section 12.07 of Ordinance 93-3, as amended, may request an Alternative Payment Schedule or request an extension of time to make payment to avoid termination of service for nonpayment. The District will consider all circumstances surrounding the request when approving or denying a request.
- C. Approved amortization plans will be in writing and signed by Customers. Unpaid balances may be amortized over a period not to exceed 12 months from the original date of the bill. The amortized payments will be combined with, and subject to the due date of, the customer's regular bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. Failure to comply with the terms of an amortization plan will result in the issuance of a written discontinuation notice.
- D. Disputed Bills: If the Customer appeals their bill and submits a request for account review, Domestic Water Service shall not be discontinued while the appeal is pending. The District will thereafter determine if Domestic Water Service shall be continued or terminated in accordance with applicable law.

- E. Medical Provision: Service will not be terminated for non-payment if the Customer enters into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment with respect to all delinquent charges and submits a certification from a primary care provider that the discontinuance of water service would be life threatening or pose a serious threat to the health and safety of a resident on the premises.
- F. Service may be terminated regardless of an alternative payment schedule or amortization schedule if notice of disconnection is posted at the property at least five business days prior to the termination date and Customer fails to comply and is at least 60 days delinquent on the amortization agreement, alternative payment schedule or deferred or reduced payment plan.
- G. Service May also be terminated if the Customer fails to pay current residential service charges for 60 days or more while participating in an amortization agreement, alternative payment schedule, or a deferral or a reduction in payment plan for delinquent charges.

(Ord. No. 2020-01, Attachment A, 1-21-2020)

### **Chapter 5.03 – WATER SHORTAGE CONTINGENCY PLAN**

The District hereby adopts the “2021 MSWD Water Shortage Contingency Plan,” a copy of which is on file at the office of the District and the District’s website, and is available for inspection by the public.

(Ord. No. 2021-01, 7-19-2021)