SOUTH TAHOE PUBLIC UTILITY DISTRICT

ADMINISTRATIVE CODE

A Codification of the Administration, Water, and Sewer Ordinances of the South Tahoe Public Utility District

March 15, 2024

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SECTION 1 DEFINITIONS

Definitions: Unless the context requires otherwise, the following terms shall have the following meanings when used in this Code:

1.1.1 "Abandoned Well" shall mean a well that has not been used for one year, unless the owner demonstrates an intention to use the well again in accordance with the provisions of Section 115700 of the Health and Safety Code. (Ref. Ord. No. 500-07, eff. 7/19/07)

1.1.2 "Accessory Dwelling Unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, is located on a lot with a proposed or existing primary residence, meets the requirements of Government Code section 65852.2, as may be amended, and is approved by the applicable land use agency. (Ref. Ord No. 582-22)

1.1.3 "Active Well" shall mean a water well that is routinely operated and supplies greater than or equal to forty percent (40%) of the water supply requirement of the property upon which it is located. (Ref. Ord. No. 500-07, eff. 7/19/07)

1.1.4 "Administrative Code" is a compilation and codification of all of the Administrative, Water, Sewer and Street Lighting Ordinances and rules and regulations of the District, which establish the authority and the principles for decisions of the District, and provide the public with guidelines applicable to District operations.

1.1.5 "Affordable Housing" is deed-restricted housing to be used exclusively for households with an income not in excess of the greater of 120 percent or the upper limit as defined by the applicable City or County code of the area median income.

1.1.6 "Air Test" shall consist of plugging each end of the service lateral and base of cleanout risers and applying a pressure of three- and one-half pounds per square inch (3.5 psi) to the section under the test. The line shall be allowed a maximum loss in pressure of half a pound per square inch (.5 psi) within five (5) minutes. The air test shall be from the wye at the main to the building cleanout. The sewer lateral must be completely backfilled at the time of the air test.

1.1.7 "**American Insurance Association"** is an independent not-for-profit product safety testing and certification organization.

1.1.8 "Annual Minimum Rate Per Piece of Water Using Equipment" shall mean the minimum water rate charge per year, per piece of water using equipment.

1.1.9 "**Apartment***"* is a single Dwelling Unit within a structure or complex under one ownership with multiple Dwelling Units, whether adjoined or freestanding.

1.1.10 "Applicant for Sewer Service" is the person making application for a permit for a sewer installation and shall be the owner of record of premises to be served

by the sewer for which a permit is requested or his authorized agent.

1.1.11 "Applicant for Exemption or Variance" shall mean the person who seeks a connection fee exemption of the connection costs as set forth in Ordinance No. 500-07 or the person who seeks a variance permit for concurrent supplies of water as set forth in said Ordinance, as the context may indicate. (Ref. Ord. No. 500-07, eff. 7/19/07)

1.1.12 "Applicant for Water Service" shall mean the person making application for a water service connection and shall be the owner of record of the premises to be served or his authorized agent.

1.1.13 "Auxiliary Water Supply" shall mean any water supply on or available to the premises other than the District's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, or other similar source, or "used waters" or "industrial fluids." These auxiliary waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the District does not have any sanitary control.

1.1.14 "AWWA" shall mean the American Waterworks Association.

1.1.15 "Backflow" shall mean the reverse flow of water or other liquids, gases, mixtures or substances into the distributing pipes of the District's water supply system from any source or sources other than an intended source.

1.1.16 "Backflow Preventer", "Backflow Prevention Assembly" is an assembly or means designed to prevent backflow, approved by the District as meeting the current applicable specifications and standards of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research for approved backflow prevention assemblies. Such approved backflow preventers or backflow prevention assemblies include:

a) ***Air-Gap*.** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other vessel and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top rim of the vessel; and, in no case less than one inch. When an air-gap is used at the service connection to prevent the contamination or pollution of the District's potable water system, an emergency by-pass shall be installed around the air-gap system and reduced pressure principle assembly shall be installed in the by-pass system.

b) ***Reduced Pressure Principle*.** An assembly of two independently operating check valves with an automatically operating differential relief valve between the two check valves, tightly closing, resilient seated shut-off

valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The assembly shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the District's water supply side of the device. At cessation of normal flow, the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these assemblies must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

c) ***Double Check Valve*.** An assembly of two independently operating check valves with tightly closing, resilient seated shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each test valve. To be approved, these assemblies must be readily accessible for in-line maintenance and testing.

d) ***Atmospheric Vacuum Breakers*.** The Atmospheric Vacuum Breaker shall be located such that the critical level (C-L) is at least six (6) inches above the highest sprinkler head, or any portion of plumbing served by the sprinkler system with absolutely no means of shut off on the discharge side of the vacuum breaker.

e) ***Pressure Vacuum Breaker*.** The pressure vacuum breaker shall be located such that the critical level (C-L) is (a) at least twelve (12) inches above the highest point reached by any water beyond the device; and (b) not less than twelve (12) inches above the surrounding grade or floor. The Pressure Vacuum Breaker shall be readily accessible for maintenance and testing. The Pressure Vacuum Breaker shall not be subjected to back-pressure. Only industrial (non-potable) fluid may be supplied from beyond the Pressure Vacuum Breaker.

1.1.17 "Backwater Prevention Device" means a device installed in a drainage system to prevent reverse sewage flow into a structure. As used in this Code, the term "backwater prevention device" includes both backwater overflow devices and backwater check valves and shutoff systems, and any other devices the District may approve for such purposes. (Ref. Ord. No. 510-09, effective July 3, 2008)

1.1.18 "Bar" is a counter or tables at which beverages and/or food is served.

1.1.19 "Bar Stools" are seats or chairs at the counter of a bar.

1.1.20 "Bath" is one (1) room with a water closet, one or more lavatories, with

or without shower and/or bathtub.

1.1.21 "Bill" is the notice or statement provided to customers, which reflects charges for water, sewer, and special services provided.

1.1.22 "Branch line" is a water supply line connecting one or more fixtures with a water supply main, riser, or other branch.

1.1.23 "Board" shall mean the Board of Directors of the South Tahoe Public Utility District.

1.1.24 "Board Policy" are rules and regulations enacted by the Board from time to time which determine the manner in which matters of District business are to be conducted.

1.1.25 "Board Policy Manual" is the comprehensive listing of the Board's current policies.

1.1.26 "**Building"** is any structure used as a place of business, recreation or other non-dwelling purpose containing water or sanitary facilities.

1.1.27 "Capacity Rights" is authority, as evidenced by a permit issued by the District, to discharge wastewater to the collection, treatment, and export systems of the District.

1.1.28 "Change in Use" shall occur when plumbing fixtures are added to an existing residential or commercial development such that potential water or sewer capacity is increased.

1.1.29 "CII Water Use" means water used by commercial water users, industrial water users and institutional water users.

1.1.30 "City" is the City of South Lake Tahoe.

1.1.31 "Clerk" or "Executive Services Manager" shall mean the Clerk of the Board and Executive Services Manager.

1.1.32 "Closed Circuit Television (CCTV)" is technology which uses a television camera that is connected to a video monitor, videocassette recorders and other recording devices by a long electric cable to inspect sewer lines. The CCTV system relays live footage to a high-resolution monitor located in a mobile survey unit. The footage of pipeline surveyed is recorded on videotape. If a defect is detected, the operator can stop and investigate the defect in more detail.

1.1.33 "Collection System" is the sewer and pumping system used for the

collection and conveyance of domestic, commercial and industrial wastewater to a wastewater treatment facility.

1.1.34 "Commercial Car Wash" is a private business where motor vehicles are washed.

1.1.35 "Commercial Complex" is a site where multiple commercial establishments are located.

1.1.36 "Commercial Establishment" shall mean all retail stores, restaurants, office buildings, laundries, churches, motels, hotels, and timeshare lodging and other private or public business and service establishments.

1.1.37 "Commercial Water User" means a water user that provides or distributes a product or service.

1.1.38 "Commercial Water Services" shall mean the furnishing of water to commercial establishments, and where the minimum fire flow requirements are set by the Fire Chief with authority in the jurisdiction.

1.1.39 "Common Interest Development" shall have the same meaning as defined in Cal. Civil Code Section 1351(c), or its successor provision, if any, which includes: 1) a community apartment project, 2) a Condominium Project, 3) a planned development and 4) a stock cooperative, as so defined.

1.1.40 "Condominium" is an undivided interest in common in a portion or portions of real property coupled with a separate interest in a Dwelling Unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. An individual Condominium within a Condominium Project may include, in addition, a separate interest in other portions of the real property.

1.1.41 "Condominium Project" is a development consisting of Condominiums.

1.1.42 "Contamination" shall mean an impairment of the quality of the District water by sewage, industrial fluids or waste liquids, compounds or other materials, to a degree which creates an actual or potential hazard to the public health through poisoning or the spread of disease.

1.1.43 "Contractor" is an individual, corporation, partnership or other legal entity duly licensed by the State of California to perform the type of work to be done under the permit and shall be the owner or his agent.

1.1.44 "County" is the County of El Dorado, unless otherwise noted.

1.1.45 "Cross-Connection" is any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the District's water system. A water service connection between the District's distribution system and a water user's water distribution which is cross-connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system constitutes one type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel, or change-over devices, sliding multiport tube, solid connections, and other cross-connections.

1.1.46 "Cross-Connections, Controlled" is a connection between the District's water system and a non-potable water system with a properly installed backflow prevention assembly that will continuously afford protection commensurate with the degree of hazard.

1.1.47 "Cross-Connection Control by Containment" shall mean either (1) the installation of an approved backflow prevention assembly at the water service connection to any water user's premises where it is physically and economically infeasible, as determined by the District, to find and permanently eliminate or control all actual or potential cross-connections within the water user's water system; or (2) the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a water user's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled of cross-connection.

1.1.48 "Curb Stop" is the District's valve, typically located at or near the property line, by which water service can be operated by District personnel.

1.1.49 "Customer Service Manager" is an authorized agent of the District appointed by the General Manager.

1.1.50 "Customer Service Valve" shall mean a valve which controls all water supply outlets so that the water can be turned on or off to any individual or separate building.

1.1.51 "Destroyed Well" shall mean a well that is no longer useful and that has been completely filled in accordance with the procedures described in Section 23 of the California Well Standards, California Department of Water Resources Bulletin 74-81 and Bulletin 74-90 (Supplement of Bulletin 74-81). (Ref. Ord. No. 500-07, eff. 7/19/07)

1.1.52 "Digital Signature" is the term that has the same meaning as in section 16.5 of the California Government Code.

1.1.53 "District" shall mean the South Tahoe Public Utility District or its duly

authorized representative, as the context may indicate.

1.1.54 "District Inspector" is the authorized agent of the District, appointed by the General Manager, responsible for enforcing the Ordinances and rules and regulations of the District.

1.1.55 "Domestic Service" shall mean the furnishing of water for household or residential purposes.

1.1.56 "Domestic Use" shall have the meaning ascribed to it by California Code of Regulations, Title 23, Section 660.

1.1.57 "Drip Irrigation System" is an irrigation system designed to distribute water at ground level, very slowly, on or toward plant life in order to promote growth and conserve water.

1.1.58 "Duplex" is a structure used exclusively for residential purposes, consisting of two distinct dwelling units.

1.1.59 "Dwelling Unit" is a structure used exclusively for residential purposes with one or more rooms, consisting of at least one (1) kitchen and one (1) or more bathrooms designed for single family use.

1.1.60 "Electronic Record" is the term that has the same meaning as in section 1633.2 of the California Civil Code.

1.1.61 "Electronic Signature" is the term that has the same meaning as in section 1633.2 of the California Civil Code.

1.1.62 "Existing Sewer Laterals" shall mean any sewer lateral that is lawfully connected to the collection system. (Reference Ordinance No. 484-03 Effective 4/20/03)

1.1.63 "Extraction" shall mean the act of obtaining groundwater by pumping or other controlled means.

1.1.64 "Extraction facility" shall mean any device or method for the extraction of groundwater, including a well.

1.1.65 "Fire Hydrant" shall mean any valve intended for supplying quantities of water sufficient for fire suppression purposes.

1.1.66 "Fire Hydrant Meter" is a device used to measure fire hydrant water on a temporary basis only.

1.1.67 "Fire Hydrant Permit" is a certificate issued by the District authorizing the Permittee to draft water from the District's fire hydrants on a temporary basis.

1.1.68 "Fire Hydrant Service" shall mean the District's furnishing of water for public fire protection purposes to fire hydrants.

1.1.69 "Flat Rate Service" is the provision of unmetered water.

1.1.70 "Flow Restrictor" is a device which reduces pressure in the water supply pipe near the water outlet while the faucet or water outlet is wide open and flowing, thereby limiting the amount of water passing through the faucet or water outlet.

1.1.71 "Food Preparation Area" is a place in which food is prepared, handled, processed or cooked.

1.1.72 "Garbage" includes but is not limited to solid waste from the preparation, cooking and dispensing of food and from the sale, handling and storage of produce.

1.1.73 "General Manager" shall mean the General Manager of the District or other authorized person(s) duly designated to perform the services or make the determinations permitted or authorized hereunder.

1.1.74 "Groundwater" shall mean the water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, whether or not flowing through known and defined channels.

1.1.75 "Hazard, Degree of." The term is derived from the District's evaluation of the potential risk to public health and the adverse effect of the hazard upon the District's water system.

a) ***Hazard - Health*.** Any condition, device, or practice with respect to the District's water supply system and its operation which could create, or in the judgment of the District Inspector may create, a danger to the health and well-being of the District's water users. A health hazard includes but is not limited to, a structural defect, including cross-connections, in a water supply system.

b) ***Hazard - Plumbing*.** A plumbing type of cross-connection in a water user's potable water system that has not been properly protected by a backflow prevention assembly. Unprotected plumbing type cross-connections are considered to be a health hazard.

c) ***Hazard - Pollutional*.** An actual or potential threat to the physical properties of the water system or to the portability of the District's water system which would constitute a nuisance, would be aesthetically objectionable or could cause damage to the District water system or its

appurtenances, but would not constitute a health hazard.

d) ***Hazard - System*.** An actual or potential threat of severe damage to the physical properties of the District's water system or a pollutional hazard or other contamination which would have a protracted effect on the quality of the potable water in the District water system.

1.1.76 "Holding Tank Dump" is a sewer discharge site that receives wastewater from sewage holding tanks.

1.1.77 "Home" is a separate, free-standing, single residential dwelling with one or more rooms, consisting of one (1) kitchen, and one (1) or more bathrooms.

1.1.78 "Homeowners Association" is a nonprofit corporation or unincorporated association created for the purpose of managing a Common Interest Development.

1.1.79 "Hotel/Motel/Timeshare" is an establishment intended for temporary lodging.

1.1.80 "Hot Tub" is pool which drains to the District's sewer system, and which is operated as, or in connection with, a business such as a hotel or a motel, or multi-family residential structure with four (4) or more dwelling units.

1.1.81 "Industrial Establishment" is a business establishment, the waste from which has a greater concentration of suspended solids, or a greater biological oxygen demand (BOD), or chemical oxygen demand (COD), or is more variable in content and rate of discharge and may require more extensive or different treatment than domestic waste.

1.1.82 "Industrial Fluids System" Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted or in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into the District's water supply. This may include, but shall not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originating from the District's water systems which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, ; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used for industrial or other purposes or for fire-fighting purposes.

1.1.83 "Industrial Use" shall have the meaning assigned to it by the California Code of Regulations, Title 23, Section 665.

1.1.84 "Industrial Wastes" are wastes from industrial establishments or processes as distinct from domestic waste.

1.1.85 "Inlet/Upstream Side of Meter" is the point at which water enters the meter body during the flow of water in its normal direction.

1.1.86 "Institutional Water User" means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

1.1.87 "Intertie" is an interconnection of water pipes between two or more water utility systems which permits the flow of potable water between the systems.

1.1.88 "Irrigation System" is a network of piping designed to distribute water on or towards plant life to promote growth.

1.1.89 "Junior Accessory Dwelling Unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family structure, meets the requirements of Government Code section 65852.22, as may be amended, and is approved by the applicable land use agency. (Ref. Ord. no. 582-22)

1.1.90 "Kitchen" is a room or other place within a building or structure with a food preparation area.

1.1.91 "Laundromat" is a commercial establishment providing laundry services which may, or may not be, self-service.

1.1.92 "Low Water Use Plumbing Fixtures" shall be all of the following:

a) Any toilet, urinal or other device which discharges no more than 1.6 gallons per flush and incorporates American National Standards Institute standards pertaining to such devices.
b) Shower heads, lavatory faucets, and sink faucets, the flow from which is not to exceed 2.75 gallons per minute (within a tolerance of ten percent (10%), at water pressures up to eighty (80) pounds per square inch; or any faucet aerator which allows discharges of no more than 2.75 gallons per minute.

The foregoing maximum flow rates are those established by the American National Standards Institute.

1.1.93 "Lower Lateral" is that part of the horizontal sewer piping beginning at the property line cleanout or connection and terminating at the District's sewer main. The Lower Lateral is an asset of the property owner and replacement of the Lower

Lateral at the end of its useful life rests with the property owner.

1.1.94 "Meter Flange" is a ring or oblong shaped plate on the end of a meter, at right angles to the end of the meter, with bolt holes to allow fastening the meter to a similarly equipped adjoining pipe.

1.1.95 "Meter Rate Service" is the provision of water service, the charges for which are based on the quantity of water provided.

1.1.96 "Meter Tail" is a coupling device used to join meters to pipes.

1.1.97 "Mobile Home Park/Trailer Park/Campground" is a site for the temporary or permanent location of a mobile home, travel trailer, motor home, or tent.

1.1.98 "**Multiple Service"** shall mean the furnishing of water or wastewater services for residential purposes to a Common Interest Development.

1.1.99 "New Construction" is any structure which, on a particular date, as required by the context, either is to be constructed or does not have a certificate of occupancy from the appropriate governmental entity.

1.1.100 "No-Cost Service Period" shall mean that period of time for which a Subject Property may receive water service at no cost. The No-Cost Service Period shall be determined on a property-by-property basis and shall be equivalent to the difference between 50 years and the age of the extraction facility, in years, in existence on the Subject Property as of July 19, 2007. (Ref. Ord. No. 500-07, eff. 7/19/07)

1.1.101 "Nonfunctional Turf" means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots.

1.1.102 "Outlet/Downstream Side of Meter" is the point at which water exits the meter body during the flow of water in its normal direction.

1.1.103 "Outside Sewer" is a private sewer beyond the jurisdictional boundaries of the District.

1.1.104 "Overflow Capacity" is the capacity of a bathtub, which is measured up to the vent for overflowing water.

1.1.105 "**Owner"** is the legal owner of record of real property, except in a Common Interest Development, in which case, the Homeowners Association, if one exists, shall be treated as the owner.

1.1.106 "Permittee" is the person(s) or entity that obtains a permit, as the context requires, from the District.

1.1.107 "Person" shall mean any individual, firm, partnership, general

corporation, association, or governmental entity. Governmental entity, as used herein, shall not include any local agency exempt from the application of Ordinance No. 500-07 pursuant to State law. (Ref. Ord. No. 500-07, eff. 7/19/07)

1.1.108 "Plumbing System" includes all plumbing fixtures and traps, soil, waste, special waste and vent pipes and all sanitary sewage pipes within a premises.

1.1.109 "Pollution" shall mean the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

1.1.110 "Potable Water" means water that is suitable for human consumption.

1.1.111 "Premises" is any property, equipment, or apparatus where or in which water is used or wastewater is discharged.

1.1.112 "President" shall mean President of the Board.

1.1.113 "Primary Parcel" is a parcel of real property to which sewer capacity rights are transferred.

1.1.114 "Private Fire Protection Service" shall mean the furnishing of water by the District for connection to a private fire sprinkler system or private fire hydrants.

1.1.115 "Private Sewer" is a sewer with an independent sewage disposal which is not connected with a public sewer, and which accommodates one or more homes.

1.1.116 "Property" is a parcel of real property or structure, as the context requires, where or in which water is used or sewage is discharged.

1.1.117 "Property Line" shall mean the boundary between the District's easement or City or County right-of-way and the private property.

1.1.118 "Public Agency" includes the government of the United States, including any of its agencies, the State of California, a county, city, district, public authority, and any other political subdivision or public corporation in the State.

1.1.119 "Public Right of Way" is any public highway, road, street, avenue, alley way easement, or other similar passageway, whether paved or unpaved.

1.1.120 "Public Sewer" is a sewer lying within a public right-of-way and which is controlled by or subject to the jurisdiction of District.

1.1.121 "Radius of Influence" shall mean the distance from the center of a well to the limit of the cone of depression.

1.1.122 "Regular Working Hours" shall be from 7:00am to 5:30pm, Monday through Friday, excluding holidays.

1.1.123 "Restaurant" is a commercial establishment where meals can be purchased and eaten.

1.1.124 "Remodeling" shall mean any construction activity which increases the number of sewer units required to serve improvements on a property; or a tear down and/or reconstruction of more than fifty percent (50%) of the existing square footage of a building(s) on a property; or a tear down and/or reconstruction of any multiple living units located on a property with multiple living units. (Ref. Ordinance No. 488-04 effective 4/15/04, Superseding 484-03 Effective 4/20/03)

1.1.125 "Reports" is a District form for reporting the results of tests, inspections, repairs, maintenance, relocations and replacement of backflow preventers.

1.1.126 "Rough Plumbing Inspection" is the inspection of all portions of the water and waste plumbing systems, which can be completed prior to the installation of plumbing fixtures, from the District's system up to their connection point to the District's system.

1.1.127 "Seating" shall mean any chair, stool, bench or similar place to sit at a commercial establishment for the purpose of eating or drinking.

1.1.128 "Secondary Parcel" is a parcel of real property from which sewer capacity rights are transferred.

1.1.129 "Service Call" shall mean the disconnection or reconnection of a water service connection at a water user's request, or for non-payment of the water user's account, to prevent property damage in the event of broken pipes, or for a violation of any of the Ordinances, rules and regulations of the District.

1.1.130 "**Service Charges"** shall mean rates, fees, and charges for water, sewer, and special services.

1.1.131 "Service Connection" shall mean the tapping of a District water main and the laying of pipe from the main to the meter or curb-stop at the property line.

1.1.132 "Serviced Lands" are those lands lying within the District and abutting upon a public street upon which street lighting is afforded by the District.

1.1.133 "Service Station" is a commercial establishment providing fuel and maintenance for motor vehicles.

1.1.134 "Sewage" is a combination of water-carried wastes from any building connected to the District's sewer system or from any private sewer.

1.1.135 "Sewer" is a pipe or conduit which carries sewage or industrial wastes and to which storm, surface and ground water are not intentionally admitted.

1.1.136 "Sewer Lateral" is the part of the horizontal sewer piping beginning at the exterior wall of any building and terminating at the District's Sewer Main.

1.1.137 "Sewer Main" shall mean a sewer pipeline for public or community use to which sewer laterals are tributary.

1.1.138 "Sewer Permit" is any written authorization required pursuant to this Administrative Code or any other Ordinance rule, or regulation of the District for the construction of any sewer to be connected to the District's sewer system.

1.1.139 "Sewer System" is all District facilities and devices for collection, pumping, treating, and disposing of sewage.

1.1.140 "Sewer Unit" is an estimated measurement of quantity and strength of wastewater discharged to the sewer system. A sewer unit represents incremental capacity rights in the form of fixtures or facilities causing actual or potential sewage discharge to the sewer system. A sewer unit is used for the purposes of determining sewer service charges.

1.1.141 "**Single Family Home"** is a separate, free standing single residential Dwelling Unit.

1.1.142 "Special Service" shall mean a service provided by the District other than water and sewer services.

1.1.143 "State" is the State of California.

1.1.144 "Street" shall include any public right-of-way highway, road, street, avenue, alleyway, easement or right-of-way.

1.1.145 "Studio Apartment" is a residential unit consisting of no more than one (1) kitchen, one (1) room for living and sleeping and one (1) bathroom.

1.1.146 "Subject Property" shall mean any legal parcel for which an applicant is seeking District water service pursuant to Ordinance No. 500-07, a connection fee exemption and reimbursement of connection costs, or any legal parcel for which an applicant is seeking a variance permit to supply with multiple sources of water or any legal parcel which is receiving water supplied from both the District and some other source, as the context may indicate.

1.1.147 "Swimming Pool" is any structure or tank capable of holding a volume of water, used for swimming, that drains to the District's sewer system.

1.1.148 "Tavern" is a commercial establishment whose primary purpose is the serving and provision of alcoholic beverages.

1.1.149 "Triplex" is a structure used exclusively for residential purposes, consisting of three distinct dwelling units.

1.1.150 "Upper Lateral" is that part of the horizontal sewer piping beginning at the exterior wall of any building and terminating at the property line cleanout or connection. The Upper Lateral is an asset of the property owner and replacement of the Upper Lateral at the end of its useful life rests with the property owner.

1.1.151 "UTEA" shall mean the Uniform Electronic Transaction Act, commencing at section 1633.1 of the California Civil Code.

1.1.152 "Uniform Plumbing Code" is a publication of the International Association of Plumbing and Mechanical Officials Organization, widely accepted as a model for safe and sanitary plumbing systems.

1.1.153 "Waste" shall mean any unreasonable use of water, including, but not limited to, the specific uses prohibited and restricted by this Administrative Code, or other District Ordinances.

1.1.154 "Water Capacity Unit" is the amount of water determined by the District from time to time to be the average daily use of a single family home within the District's service area during a peak water production month, presently 416 gallons.

1.1.155 "Water Capacity Unit Charge" is the charge established by the Board of Directors for one (1) Water Capacity Unit.

1.1.156 "Water Main" shall mean a principal water supply pipeline for public or community use to which branch pipelines are tributary.

1.1.157 "Water - Nonpotable" is water, which is not safe for human consumption, or which is of questionable potability.

1.1.158 "Water - Potable" shall mean any water, which, according to recognized standards, is safe for human consumption.

1.1.159 "Water System" is all of the water wells and other water sources, distribution pipes, storage tanks, booster pumps, valves, meters, fire hydrants, and all facilities and equipment required to deliver potable water to District customers.

1.1.160 "Water - Used." Any water supplied by the District to a water user's

water system after it is no longer under the sanitary control of the District.

1.1.161 "Water User" shall mean any person or entity to whom water is furnished by the District.

1.1.162 "Water Using Equipment" shall mean any equipment, which has the capability to draft water from the District's water system, other than firefighting equipment.

1.1.163 "Watering Exemption Permit" shall mean the permit issued by the District to allow a customer to irrigate newly sodded lawns, newly seeded lawns or bedding plants in excess of the District's outdoor irrigation schedule as provided in Section 3.4.3 of the Administrative Code.

1.1.164 "Waterlines" are any water main or other pipeline used by the District to provide water to any building or other structure within the District's jurisdictional boundaries.

1.1.165 "Well or Water Well" shall mean any artificial excavation constructed by any method for the purpose of extracting groundwater. Well or water well shall not include:

(1) Oil and gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or

(2) Wells used for the purpose of:

(a) Dewatering excavation during construction, or
(b) Stabilizing hillsides or earth embankments.

SECTION 2 ADMINISTRATION

Section

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- 2.1.1 Elections Conducted Under Rules Governing Election of State and County Officers.

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- 2.3.1 Duties of General Manager.
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- 2.9.1 General Tort Claims
- 2.9.2 Tort Claims by Public Entities

2.10 Identity Theft Prevention Program (Reference Ord. No. 511-08)

2.11 Electronic Signatures and Electronic Records (Reference Ord. No. 579-21)

Section 2.1 Elections.

2.1.1 ***Elections Conducted Under Rules Governing Election of State and County Officers.*** All elections held and conducted in the District shall be held and conducted according to Board Policy and provisions of state and county law relating to the manner of holding and conducting general elections for the election of state and county officers. (Reference Ord. 562-15)

Section 2.2 Time, Place and Rules For Regular and Special Meetings.

2.2.1 ***Public Meetings.*** All meetings of the Board shall be open and public, and all persons shall be permitted to attend any meeting of the Board except as provided in Sections 54956 and 54957 of the California Government Code.

2.2.2 ***Meeting Place.*** All regular meetings of the Board shall be held at the South Lake Tahoe Public Utility District offices located at 1275 Meadow Crest Drive, South Lake Tahoe, California.

2.2.3 ***Time of Meetings.*** Regular meetings of the Board shall be held on the first and third Thursdays of every month, commencing at 2:00 p.m., provided that any such days fall upon a legal holiday, then said meetings, if deemed necessary, shall be held at the same time on a day to be determined by the Board.

2.2.4 ***Special Meetings, Adjourned Meetings, and Emergency Meetings.*** Provisions for Special Meetings, Adjourned Meetings, and Emergency Meetings shall be specified in the Board Policy Manual.

Section 2.3 Duties and Compensation of General Manager.

2.3.1 ***Duties of General Manager.*** The duties of the General Manager, other than designated by statute, shall be provided for in the Board Policy Manual.

2.3.2 ***Employment Agreement.*** The General Manager and Board of the District have entered into an Employment Agreement entitled General Manager Agreement for Professional Services, which sets forth the terms and conditions of employment of the General Manager of the District.

Section 2.4 Duties and Compensation of Clerk.

2.4.1 ***Duties of Clerk.*** The duties of the Clerk of the Board/Executive Services Manager, other than designated by statute, shall be provided for in the Board Policy Manual.

2.4.2 ***Compensation.*** The Clerk of the Board/Executive Services Manager, as an officer of the District, shall receive compensation for said office as authorized by a Memorandum of Understanding entered into by and between the District and the Management Staff of the District.

Section 2.5 Duties of Treasurer Performed by County Treasurer.

2.5.1 ***Duties of the Treasurer.*** The duties of the Treasurer of the District shall be performed by the General Manager or his/her designee. Duties of the Treasurer, other than designated by statute, shall be provided for in the Board Policy Manual.

2.5.2 ***Assistant Treasurer.*** There shall be provided the office of Assistant Treasurer, which said office shall be combined with the office of Chief Financial Officer of the District. The duties of the Assistant Treasurer shall be provided for in the Board Policy Manual.

Section 2.6 Determination of Lowest, Responsive, Responsible Bidder.

2.6.1 ***Personal Property.*** In accordance with Sections 20202.1 et seq of the California Public Contract Code, contracts to furnish personal property to the District shall be awarded to the lowest responsive, responsible bidder.

2.6.2 ***Local Sales Tax Revenue.*** Where personal property to be supplied to the District will provide local sales tax revenue for the benefit of District's customers, one and one-half percent (1.5%) of the bid shall be deducted from the bid of those bidders having a fixed place of business within the District boundaries for those items of personal property bid, for the sole purpose of determining the lowest responsive, responsible bidder.

Section 2.7 Regulation of Annexation of Territory.

2.7.1 ***Purpose.*** The purpose of this Section shall be to provide for the payment of a determinable amount of money, either as a lump sum or in installments, as an

annexation fee, for the acquisition, transfer use or right of use of all or any part of the existing property, real or personal of the District by the territory hereinafter annexed to the District, and to provide for the terms and conditions of any such annexations.

2.7.2 ***Annexation Fee.*** Annexation fees will be determined on an individual basis and will reflect such considerations as the assessed valuation of the area to be annexed, existing sewerage facilities, if any, extent of future sewerage facility needs, the number of developed properties within the area of proposed annexation, contractual relationships between the area to be annexed and the District, if any, and shall include, but are not limited to, engineering costs, administrative costs, and incidental costs of said annexation.

2.7.3 ***Annexation Terms and Conditions.*** The annexation of territory shall be made subject to the policy and guidelines of the El Dorado Local Agency Formation Commission (LAFCO) as provided for by California Government Code Section 56000 et seq.

Section 2.8 Helping Hands Outreach (H^20) Program (Reference Ord. 466-98, Effective March 5, 1998)

2.8.1 ***Purpose.*** The purpose of this Section is to establish and provide for the maintenance of a District administered financial assistance program which will make available a source of privately donated contributions for indigent residential customers of the District who have delinquent and unpaid District utility service charges and who can demonstrate financial need. The financial assistance program shall be known as the Helping Hands Outreach (H^20) Program. Private donations to the Program shall be separately deposited into a special District account and the funds will be made available by the District for customers previously screened and approved as eligible by the El Dorado County Department of Community Services. This Section is intended to supplement, and not replace, any provision in the Administrative Code relating to utility rates and charges.

2.8.2 ***Authorization of Helping Hands Outreach (H^20) Account.*** A financial assistance account shall be established and maintained by the District's Chief Financial Officer or his or her designee for the purposes of providing financial assistance to customers of the District who have delinquent and unpaid utility service charges and who can demonstrate financial need. The financial assistance account shall be known as the Helping Hands Outreach (H^20) Account. The account shall be funded only through direct private contributions by members of the public. No District funds shall be

deposited or transferred to this account. The contributions received and distributed from the account shall be kept separate from any other financial accounts managed by the District. The principal and interest of the account shall be distributed solely for the benefit of eligible applicants. There shall be no distribution of funds from the financial assistance account until the account balance maintains a minimum of five hundred dollars ($500.00).

2.8.3 ***Funding the Account.*** The District may establish mechanisms to raise funds for the Helping Hands Outreach (H^20) Account for subsequent distribution on behalf of customers who have applied for financial assistance and have met the requisite financial need criteria. These fund-raising mechanisms may include but are not limited to: soliciting money from private customers through bill statements; an annual fund-raising effort; and automatic payroll deductions.

2.8.4 ***Application for Financial Assistance.*** Any District customer who can demonstrate financial need and has delinquent and unpaid utility service charges may apply for financial assistance through the Helping Hands Outreach (H^20) Program. Customer applications for financial assistance shall be made in writing to the El Dorado County Department of Community Services on such forms as may be prescribed by the District, signed by the applicant and shall include the following: (1) the applicant's name, billing address, and service address; (2) the amount of the delinquent and unpaid utility service charge(s); (3) the applicant's monthly income; (4) the applicant's monthly expenditures; (5) any other types of financial assistance the applicant is receiving; and (6) any other information the El Dorado County Department of Community Services may deem necessary in determining the applicant's financial need and eligibility for financial assistance. The application form shall then be submitted directly by the applicant to the El Dorado County Department of Community Services. In order to be eligible for financial assistance, the applicant's utility bill must be at least 30 days in arrears, a copy of the delinquent utility bill must be provided, and the applicant or the applicant's household must not have received financial assistance through the Helping Hands Outreach (H^20) Program within the previous twenty-four (24) months.

2.8.5 ***Processing the Application.*** Each application for financial assistance shall be reviewed and evaluated by the El Dorado County Department of Community Services as soon as practical after the application has been filed in proper form. The El Dorado County Department of Community Services will review and evaluate applications based on the criteria described in Section 2.8.4. The El Dorado County Department of Community Services shall have sole responsibility, given the standards and policies stated in this Section, to identify and qualify eligible applicants. All

allocation schedule land payment vouchers will be established by the El Dorado County Department of Community Services so as to expend Helping Hands Outreach (H^20) Program funds in a judicious manner. No delinquent and unpaid utility service account may receive a transfer of funds from the Helping Hands Outreach (H^20) Account more than once in any twenty-four (24) month period.

2.8.6 ***Coordination with the El Dorado County Department of Community Services.*** The District shall provide, on a periodic basis, an accounting report notifying the El Dorado County Department of Community Services of the available funds in the Helping Hands Outreach (H^20) Account. Any administrative fees charges by the El Dorado County Department of Community Services for purposes of screening and approving eligible applicants shall be paid solely from the Helping Hands Outreach (H^20) Account.

2.8.7 ***Confidentiality.*** The District shall not divulge, publicize, reveal or otherwise disclose to any person, other than the El Dorado County Department of Community Services, any information regarding or relating to a customer's application for, or receipt of, financial assistance from the Helping Hands Outreach (H^20) Program, except as required by law.

2.8.8 ***Non-Discrimination.*** All services rendered as a result of the enactment of this Section shall comply with the Federal Civil Rights Act of 1964 and the American with Disabilities Act, as amended. No person shall be denied financial assistance on the grounds of age, race, creed, color, gender, religion, national origin, or handicap.

Section 2.9 Claims

2.9.1 **General Tort Claims Procedures.** The California Tort Claims Act sets out the procedures for filing a claim against the South Tahoe Public Utility District for money damages. The applicable provisions of law can be found in California Government Code sections 810-996.6. The District provides a claim form which, pursuant to Government Code section 910.4, must be used for all tort claims against the District.

2.9.2 **Tort Claims by Public Entities.** Pursuant to the authority contained in Government Code section 935, the following claims procedures for those claims against the South Tahoe Public Utility District for money or damages not now governed by state or local laws shall be as follows:

Notwithstanding the exemptions set forth in Government Code section 905,

all claims for money or damages against the South Tahoe Public Utility District, when a procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations of Government Code sections 910 through 915.2. Such claims shall further be subject to the provisions of Government Code sections 945.4 and 945.6 relating to the prohibition of actions in the absence of the presentation of claims and action thereon by the District.

2.10 Identity Theft Prevention Program. (Reference Ord. 511-08, Effective November 15, 2008)
Federal Trade Commission regulations require that the District maintain an Identity Theft Prevention Program, consisting of guidelines established to alert the District to potential identity theft and respond to specific activities ("red flags") that could be related to identity theft. The District has adopted and will maintain a program that complies with the FTC regulations.

2.11 Electronic Signatures and Electronic Records. (Ref Ord. No. 579-21)

a) In any written communication or transaction with the District where a signature is required, any party to the communication may use a digital signature, provided that it complies with the requirements of this section. This section is intended to enable the District to use digital signatures to the fullest extent allowed by law, and does not limit the District's ability to use Electronic Records, Electronic Signatures, or Digital Signatures in anyway.

b) In any transaction or communication with the District for which the parties have agreed to conduct the transaction or communication by electronic means, the following provisions apply.

(1) When a record is required to be in writing, an Electronic Record satisfies that requirement, if it is in accordance with the UETA.
(2) When a signature is required, the parties may agree that either:
    (i) An Electronic Signature satisfies that requirement, if it is in accordance with the UETA; or
    (ii) A Digital Signature satisfies that requirement, if it is in accordance with Section 16.5 of the California Government Code.

c) This section is intended to enable the District to use Electronic Records, Electronic Signatures, and Digital Signatures to the fullest extent allowed by law, and does not limit the District's ability to use Electronic Records, Electronic Signatures, or Digital Signatures in any way. All use of Electronic Records,

Electronic Signatures, and Digital Signatures by the District shall be in accordance with the District's Administrative Code, policies and procedures, as may be designated and amended from time to time by the General Manager or his or her designee.

d) Any use of Electronic Records, Electronic Signatures, and Digital Signatures by the District that is not in accordance with this section and the District's Administrative Code, policies and procedures, or any unauthorized signing of any contract, record, or other document, shall render such contract, record, or other document invalid as not fully and properly executed by the District.

e) Authority to sign or execute contracts, records, or other documents by means of Electronic Signatures or Digital Signatures may be delegated by the General Manager or other District department heads to designated District staff members. The act of delegation of Electronic Signature and Digital Signatures authority by the General Manager or other District department head must be memorialized in writing, including, but not limited to, memorandum, District form, e-mail, or delegation process recorded within the Electronic Signature or Digital Signature software.

f) The General Manager shall determine acceptable technologies and vendors consistent with the industry best practices to ensure the security and integrity of the data and the signature. The General Manager shall further determine the documents for which the District will accept electronic signatures.

SECTION 3 WATER

Section

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Section 3.1 Water Service, Water Rates, Operations and Enforcement.

GENERAL PROVISIONS

3.1.1 ***Control and Management.*** The entire District water system, including metering and measuring devices, shall be under the exclusive control and management of the District, and no connection or water service shall be made or obtained except in accordance with the provisions of the Ordinances, rules, and regulations of the District.

3.1.2 ***Duty of District.*** The District will exercise reasonable care and diligence to deliver to its customers a continuous and sufficient supply of potable water at a proper pressure and to avoid shortages or interruptions in service. The District, however, shall not be liable for interruptions, shortages, or insufficient supplies, fluctuations or variations in pressure, or any related losses or damage.

3.1.3 ***Application for Service.*** The application for water service shall be on a form approved and provided by the District.

FIRE HYDRANT USE

3.1.4 ***Fire Hydrant Permit Required.*** No non-emergency water using equipment may be connected to any District fire hydrant without first obtaining a fire hydrant permit from the District. A copy of the permit shall be carried on the water using equipment at all times during the life of the permit. All permitted, non-emergency water using equipment shall contain a backflow prevention assembly approved by the District prior to the permit being issued. No non-emergency fire hoses shall be used without prior approval of the District.

3.1.5 ***District Shall Specify Use.*** The District shall specify the permitted, non-emergency water using equipment to be used, the fire hydrant(s) to be used, and the dates and time of use.

3.1.6 ***Costs and Expenses for Fire Hydrant Use.*** All costs and expenses incident to the use and/or connection to the District's fire hydrant for which a permit has been issued shall be paid by the permittee. The permittee shall indemnify, defend, protect and hold harmless the District, its elected officials, directors, officers, agents and employees from and against any and all liabilities, claims, costs, expenses, losses, damages and fees established, asserted, or incurred, including but not limited to, attorneys' and paralegal fees, costs and expenses, which arise out of, relate to or result

from the use or connection to any fire hydrant.

3.1.7 ***Fire Hydrant Permit Violations.*** Service of water to any water using equipment shall be immediately discontinued by the District if a permit has not been obtained or cannot immediately be shown. Additionally, for any person's initial violation, such person shall be charged: (1) the standard rate or fee per piece of water using equipment, in an amount not less than the minimum rate or fee; (2) a permit fee; (3) all administrative costs and expenses and all attorneys' and paralegal fees, costs; and (4) a Two Hundred Fifty-Dollar ($250.00) fine. Private water equipment without a permit may be removed and confiscated by authorized District representatives.

Upon a person's subsequent violation of this Section, that person, in addition to paying items (1), (2) and (3), above, and a Five Hundred Dollar ($500.00) fine, shall be prohibited from drafting any water from a fire hydrant at any time from the District water system for a period of one year. Such persons are also subject to criminal prosecution, to the fullest extent of California law, pursuant to California Penal Code Sections 498, 592, and 607.

3.1.8 ***Fire Hydrant Permit May be Revoked or Suspended.*** The fire hydrant permit may be revoked or suspended at the sole discretion of the District for emergency water conservation or other similar purpose. The permit may also be revoked or suspended for any violation by the permittee of conditions in the permittee's application, the permit, or provisions of this Section.

MAIN EXTENSIONS

3.1. 9 ***Extending Mains.*** Whenever extension of a water main within the jurisdiction of the District is required because the parcel to be served is not located along a water main with adequate capacity and/or proper pressure, a service main from the nearest main of adequate capacity and pressure may be installed at the sole cost of the applicant. The new service main shall be transferred to the District by the applicant upon acceptance of such extension by the District. The pipe specifications, points of commencement, and all other requirements for main extensions shall be determined by the District with proper allowance being made for future demand. All construction work shall be subject to District inspection at all times.

3.1.10 ***District Main Extensions***. Main extensions initiated by the District will be financed by the District.

WATER SERVICE REQUIRING INSTALLATION OF SERVICE CONNECTION AND/OR METERING DEVICE

3.1.11 *New Water Service*. (Reference Ord. 521-10)

a) If there is sufficient water and capacity available in the District water system to meet the requested service and the applicant has complied with all District Ordinances, rules, and regulations, and is not delinquent in any amounts owed the District at the time of application, the District shall, upon payment of the applicable and administrative charges, approve the application for new water service. (Refer to Sections 3.1.24 and 3.1.49(a).) Upon applicant's request and payment of applicable connection and meter costs, the District will furnish the requested water service, in accordance with the applicable provisions of the Ordinances, rules and regulations of the District and specifications for connection to the District's water system in effect at the date such connection was approved. (Refer to Section 3.1.49(f).)

b) If the applicant has not requested connection to the District's water system within three (3) years of the District's approval of its application (the "Connection Term"), the applicant may extend the time in which it may connect to the District's water system for an additional one (1) year term (the "Extension Term"), provided that the applicant pays the minimum administrative fee pursuant to Administrative Code section 3.1.49(d) (the "Administrative Fee"). If, at the expiration of anyone (1) year Extension Term, the applicant has yet to request connection to the District's water system, the applicant may extend the application term for an additional one (1) year Extension Term, provided that the applicant pays the Administrative Fee. Any connection to the District's water system, the time for which is extended pursuant to this subsection, shall be subject to the terms of the District's Administrative Code and regulations in effect at the date of extension.

c) Those applications for new water service approved prior to the effective date of Ordinance No. 521-10 shall permit the connection to the District's water system for a period of three (3) years from the effective date of Ordinance No. 521-10. If, at the expiration of this three (3) year term (the "Connection Term"), the applicant has yet to request connection to the District's water system, the applicant may extend the term during which such connection may be made for an additional (1) year Extension Term, provided that the applicant pays the Administrative Fee. If, at the expiration of anyone (1) year Extension Term, the applicant has yet to request the approved connection to the District's water service, the applicant may extend the application term for an additional one (1) year Extension Term, provided that the applicant pays Administrative Fee. Any connection to the District's water system, the time for which is extended pursuant to this subsection, shall be subject to the terms of the District's Administrative Code and regulations in effect at the date of extension.

d) If, upon the termination of any Connection Term or Extension Term, as applicable, the applicant has not requested either connection to the District's water service, or an Extension Term, as provided for in sections (b) or (c), above, the applicant's approval shall be suspended, and no connection to the District's water service shall be made until the applicant extends the application term by an additional one (1) year Extension Term and pays the Administrative Fee for each full calendar year that has passed since the expiration of the prior three (3) year Connection Term or one (1) year Extension Term, as applicable.

e) At any time prior to the accomplishment of connection to the District's water system, an applicant may terminate its water service application and the District shall refund to the applicant the applicable capacity charges actually paid by the applicant pursuant to section 3.1.49(a). Upon such termination, the applicant shall not be entitled to the refund of any administrative fees paid in connection with any Extension Term.

f) Any applicant may choose to comply with charges in the applicable provisions of the Ordinances, rules, and regulations of the District and specifications for connection to the District's water system made after the date of approval of such connection but prior to the time that connection to the District's water system is accomplished.

g) Notwithstanding the above, the approval of connection to the District's water system will be null and void:

1) If construction of the application's project is not accepted by the County of the City for the proposed improvement to be served by the District's water system; or

2) If the County or City voids or cancels either the application or permit for construction of the proposed improvement to be served by the District's water system.

h) Notwithstanding the above, the District shall not require payment of an Administrative Fee for development of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. (Ref. Ord No. 582-22)

3.1.12 ***Provisions of Water Meters and Water Meter Boxes.*** (Reference Ord. No.532-11)

a) When a residential customer requires, for connection to the Water System, a water meter smaller that two inches in size, the water meter shall be supplied by and at the District's cost. In all other instances, when a customer is connecting to the Water System, the customer shall supply the water meter, subject to the District's water service and water meter details and specifications.

b) When a residential customer requires, for connection to the Water System, a water box that accommodates a water meter one inch and less in size, the water meter box shall be supplied by and at the District's cost. In all other instances, when a customer is connecting to the Water System, the customer shall construct a water meter vault at the customers cost, subject to the District's water service and water meter vault details and specifications.

3.1.13 ***Private Fire Protection Service.*** There will be no charge for annual standby fire protection services for the District's potable water customers; however, the applicant shall conform to the following special conditions:

a) The minimum pipe diameter of fire protection service as established by the Fire Chief or other authority with appropriate jurisdiction, which shall not be larger than the diameter of the main to which the fire protection service is connected without the General Manager's approval.

b) If a main of adequate size for a private fire protection service connection, in addition to all other types of service, does not exist in the street adjacent to the property to be served, then a main from the most accessible, existing main of adequate size, as determined by the District, shall be installed at the sole cost of the applicant.

c) Private fire protection service shall be equipped with standard detector type meters approved by the American Insurance Association and satisfying District specifications. The cost of the meter and appurtenant structures shall be paid by the applicant.

d) No private fire protection service shall be used for domestic purposes.

3.1.14 ***Abandonment of Wells.*** Any person making application to connect to the District's water system, who was previously served by a private well, must abandon the private well in accordance with all applicable federal, state, and local laws and all other Ordinances and rules and regulations of the District, and submit a certificate of compliance from the El Dorado County Health Department, or properly protect the District water supply as outlined in Section 3.3.

NUMBER OF SERVICE CONNECTIONS OR METERING DEVICES REQUIRED

3.1.15 Separate *Service and Metering Device*. Except as otherwise provided herein, each Dwelling Unit or Building under separate ownership or on a separate legal parcel shall install and maintain a separate service and metering device. An Accessory Dwelling Unit or a Junior Accessory Dwelling Unit shall not require a new or separate

service connection or metering device. The District may require that the connection and meter serving an existing single-family dwelling unit or the Accessory Dwelling Unit be upsized as necessary. (Ref. Ord No. 582-22)

3.1.16 Common *Ownership*. The owner of two or more Dwelling Units or Buildings located on the same lot or legal parcel of land shall install and maintain one service connection and metering device to serve those Dwelling Units or Buildings, provided, however, the District may limit the number of dwelling units or buildings under common ownership which may be supplied by one service connection or device.

3.1.17 DELETED.

3.1.18 *Subdivided Parcel*. Except as provided in Section 3.1.18, when a parcel provided with a service connection and metering device is subdivided, that service connection and metering device shall be designated to the lot or parcel which it enters, and each other lot or parcel shall require a new service connection and metering device.

3.1.18.1 Multiple *Service*. A Common Interest Development, which consists of two or more assessors' parcels and will be managed by a Homeowners Association, shall install and maintain one service connection and metering device, provided, however, that the District may limit the number of Dwelling Units that may be supplied through one service connection or device. A Common Interest Development, which consists of two or more assessors' parcels and is not or will not be managed by a Homeowners Association, shall install and maintain a separate service connection and metering device to each Dwelling Unit within the development. Notwithstanding the above, the developer of a Common Interest Development may elect, at his or her cost, to have installed and maintained a separate service connection and metering device for each Dwelling Unit within the development. In such case, the developer shall be responsible for securing to the District all access easements the District deems necessary, prior to connection to the District's water system.

3.1.18.2 Existing *Connections*. All water connections, existing as of the effective date of Ordinance 516-09, which do not meet the requirements of Sections 3.1.15-3.1.20, but were approved when installed and have otherwise been in compliance with the District's rules and regulations, shall be excluded from the requirements of those Sections until the occurrence of a "qualifying event." The following events shall be considered qualifying events requiring compliance with Sections 3.1.15-3.1.20: (a) application for new water service, (b) request for a change of account name, (c) request for an "Intent to Serve Letter" or "Can And Will Serve Letter", (d) the District's receipt of notification from the County of El Dorado, City of

South Lake Tahoe, or an applicant, that application has been made for a building permit, (e) in the case of a Common Interest Development for which, pursuant to section 6.2.1, a Homeowners Association is responsible for payment of District water bills, the dissolution of that Homeowners Association; or (f) any other requested modification of water service to the Common Interest Development.

3.1.19 Correction *of Water Service Connections*. Where, contrary to the requirements of Section 3.1.15, two or more Dwelling Units or Buildings on lots or parcels owned by different persons are found to be supplied through the same service connections and metering devices, the person who owns the lot or parcel initially entered by the service connection and metering device shall disconnect or abandon the service to the lots or parcels owned by other persons. The person who owns the lot or parcel for which there is no separate service connection and metering device may apply to the District for a separate service connection and metering device, and pay all associated fees, costs and expenses.

3.1.20 *Enforcement of Correction.* In the event a person fails to comply with the provisions of Section 3.1.19, the District may, in its sole discretion, upon two-week prior notice to the affected property owners, enter upon the lot or parcel initially entered by the service connection and metering device and disconnect the service to the other lots or parcels. All associated fees, costs and expenses, for such disconnection shall be recovered from the person who owns the lot or parcel initially entered by the service connection and metering device.

WATER WORK OR CONNECTION

3.1.21 Duty *to Report*. It shall be the duty of each Owner of property connected to the District's water system to report to the District all service connections or changes in use to District's water system. Any service connections or changes in use which are not so reported shall be deemed to have been connected to the District's water system from the date, as determined by the District, that the property first connected to the District's water or sewer system. For the purposes of this section, a change in use shall include, but is not limited to, the subdivision of a parcel and subsequent creation of a Homeowners Association.

3.1.22 *Unreported Service Connections*. Upon discovery of the unreported service connections to the District water system, the District shall charge all current charges and fees, including all current connection charges, plus a ten percent (10%) basic penalty, up to three (3) years back charges for current water service fees, and a

ten percent (10%) penalty on such back charges. The owner of said property may, at his option, abate the unreported service connection(s) immediately or pay all of the above charges and fees. If the owner elects to abate the unreported service connection(s) or can demonstrate sufficient proof to the District Customer Service Manager or authorized representative that the unreported service connection(s) existed prior to the purchase of such property by owner, then the District may only charge up to three (3) years back charge for current water service fees. If the owner fails to complete any of the above options, all charges and fees shall be deemed charges for the purposes of collection and enforcement, and the property shall be subject to disconnection procedures for delinquent charges as provided in Section 6.6. Upon discovery of unreported service connections, the District shall charge the owner of the lot or parcel initially entered by the unreported service connection all current charges and fees, including all current connection charges. All charges and fees specified in Sections 3.1.23 - 3.1.38 shall be included in the charges under this Section.

ESTABLISHMENT OF WATER SERVICE FEES, RATES AND CHARGES

3.1.23 ***Charges Determined by Board.*** Water service charges and fees for the various types of services shall be determined by the Board in accordance with the Ordinances, rules, and regulations of the District. The types of service fees, rates and charges shall include and be paid as follows.

3.1.24 ***Water Connection Fees.*** The Board shall establish a fee schedule for water connections and administration fees. (Refer to Section 3.1.49 - Water Rate Schedule No. 1.) In establishing such fee schedule, the Board shall consider the costs and expenses incident to the installation of water service or other work for which an application has been made to the District. Connection charges will include the following:

a) ***Water Capacity Unit Charge for Water Service.*** Refer to Section 3.1.49(a) for the domestic water capacity charge by connection size.

b) ***Water Capacity Charge for Private Fire Protection Service.*** There shall be a water capacity charge for providing private fire protection water service, which is in addition to the water capacity charge for providing private fire protection water service, which is in addition to the water capacity charge for water service. In the event the applicant requests private fire protection water service, the applicant shall pay to the District the private fire protection water service charge based on the increase in the size of the connection. (Refer to Section 3.1.49(b), Water Rate Schedule 1)

c) ***Water Capacity Charge for Private Fire Protection Only Service.***

There shall be a water capacity charge for providing private fire protection water service. In the event the applicant requests private fire protection water service, the applicant shall pay to the District the private fire protection water service charge based on the size of the fire service connection. Applications for fire protection only service shall be reviewed on a case-by-case basis and reviewed by the District's Engineering department for a determination on water sufficiency. (Refer to Section 3.1.49 (c), Water Rate Schedule 1)

d) ***Administrative Costs.*** The applicant shall pay the actual administrative costs incurred in reviewing and processing the application, but in no event less than the minimum administration fee. (Refer to Section 3.1.49 (d), Water Rate Schedule 1)

e) ***Physical Connection Charge.*** The applicant shall pay to the District for the cost and installation for the physical connection to the District's water system. (Refer to Section 3.1.49 (f), Water Rate Schedule 1)

f) ***Meter Costs.*** The applicant shall pay for the cost and installation of any meters. The design of such meters shall be approved by the District.

g) ***Periodic Cost Adjustments.*** All water capacity charges for water service and the private fire protection service water capacity charges shall be adjusted annually. (Refer to Section 3.1.48(e), Water Rate Schedule 1.)

3.1.25 ***Water Service Application for Specific Use.*** The water service connection application will be for a specific structure on a parcel with a fixed amount of sewer discharge capacity and square footage for irrigation of lawn, gardens, shrubbery or other similar items. Any change of use, which requires an estimated addition of at least one water capacity unit, will require a new water connection application based on an initial projection estimate of use by the applicant and a two (2) year evaluation as provided in Section 3.1.24(a).

3.1.25.5 ***Special Charges.*** Non-standard water service requested by an applicant shall be subject to such rates, charges, and other terms and conditions as established by the Board. "Non-standard water service" means a form or type of water service that is not set forth in this Administrative Code, and may include, but shall not be limited to, secondary, emergency, or backup potable water service, standby fire service to persons that are not potable water customers, service outside the district's boundaries, and non-potable water service. The owner of the property where the service will be provided and/or applicant shall enter into an agreement with the District, in such form as approved by the Board. The agreement may require the owner and/or applicant to pay all costs and expenses incurred by the District in reviewing the application, and preparing and reviewing the agreement. All fees, costs, and expenses incurred after the execution of the agreement shall constitute a water service charge

that shall be billed and payable in accordance with Section 6 of this Administrative Code.

3.1.26 ***No Water Transfers.*** Water connections may not be transferred from one parcel to another.

3.1.27 ***Credits for Previous Service.*** Credits for previous service will not be given if the previous service connection has been eliminated.

3.1.28 ***Review of Applications.*** The District shall review all metered connection applications with the exception of single family, duplex, and triplex residential applications. The District review shall include an evaluation of the average day during peak month use and fee requirement. The District may, in its discretion, review single family, duplex and triplex residential applications.

3.1.29 ***Appeal of Connection Fee Computation.*** If applicant is dissatisfied with the District's computation of the metered connection fee for water service, the applicant shall follow the District's standard appeal process as provided in Section 6.7.

3.1.30 ***Annual Flat Rates.*** Annual flat rates shall have one component:

a) Annual Flat Rate Service Charges

3.1.31 ***Annual Flat Rate Service Charges***. Annual Flat Rate Service charges shall be paid by all customers not paying metered customer rates. The water service charges, as established by the Board, are for the following purposes:

a) Maintenance of facilities providing water service to existing customers.
b) Meeting debt service requirements.
c) Paying operating expenses.
d) Purchasing or leasing equipment, supplies and materials.
e) Funding reserves for replacement facilities. (Refer to Section 3.1.49 - Water Rate Schedule 2.)

3.1.32 ***Water Capital Improvement Charge.*** The Water Capital Improvement Charges are established by the Board and are restricted in use to the following purposes:

a) Construction or purchase of capital improvements as designated in the District's audited financial statements as "Property, Plant and Equipment";
b) Servicing debt related to items referred to in part (a), above.

c) Accumulating reserves for future construction or purchase of Capital Improvements as designated in the District's audited financial statements as "Property, Plant and Equipment".

3.1.33 ***Disconnection of Annual Flat Rate Services.*** Where Annual Flat Rate Services are disconnected due to non-payment Pursuant to Section 6.6 of this Administrative Code, the applicable minimum metered rate, representing fixed costs, shall apply.

3.1.34 ***Metered Water Rates.*** Metered water rates shall have three components:

a) Metered Water Service Charges.
b) Metered Service Capital Improvement Charges.
c) Metered Usage Charge.

3.1.35 ***Metered Water Service Charges.*** Metered Water Service Charges shall be paid by all metered services except those residential customers whose meters are not being read. Metered Water Service Charges, as established by the Board, are for the following purposes:

a) Maintenance of facilities providing water service to existing customers.
b) Meeting debt service requirements.
c) Paying operating expenses.
d) Purchasing or leasing equipment, supplies and materials.
e) Funding reserves for replacement facilities. (Minimum Annual Rate, refer to Section 3.1.50 - Water Rate Schedule 3.)

3.1.36 ***Metered Service Capital Improvement Charge***. The Metered Service Capital Improvement Charges are established by the Board and are restricted in use to the following purposes:

a) Construction or purchase of Capital improvements as designated in the District's financial statements as "Property, Plant and Equipment";
b) Servicing debt related to items referred to in part (a), above.
c) Accumulating reserves for future construction or purchase of Capital Improvements as designated in the District's financial statements as "Property, Plant and Equipment".

3.1.37 ***Metered Residential Rate***. The District shall establish a minimum residential metered rate (3/4") equal to the current 3/4 inch commercial metered rate.

3.1.38 ***Optional Metered Residential Rate.*** The metered residential rate shall apply to existing annual flat rate residential customers electing to convert to the metered residential rate and to new owners of residential development wishing to establish a

metered residential rate pursuant to Sections 3.1.39, and 3.1.40.

3.1.39 ***Conversion to Metered Residential Rate Permanent.*** The election by existing annual flat rate customer to convert a specific service connection to the metered residential rate cannot later revert to the annual flat rate.

3.1.40 ***Residential Meter Installation.*** The District shall be responsible for the installing a meter.

3.1.41 ***Billing of Metered Residential Rate.*** The District shall begin billing the metered residential rate on the commencement date for the standard billing cycle, as determined in Section 6.1 of this Administrative Code.

3.1.42 ***Metered Usage Charge.*** A Metered Usage charge shall be paid by metered customers for the measured volume of water at each metered service connection. The metered usage charges, as established by the Board, are for the following purposes:

a) Maintenance of facilities providing water service to existing customers.
b) Meeting debt service requirements.
c) Paying operating expenses.
d) Purchasing or leasing equipment, supplies and materials.
e) Funding reserves for replacement facilities. (Refer to Section 3.1.50 in Appendix Fee Schedule.)

3.1.43 ***Access to Water Meter.*** (Reference Ord. No. 565-16.) The property owner shall maintain clear, unobstructed, and safe access to the water meter at all times. The property owner shall not store any material, vehicles, or equipment on or near the water meter nor locate or permit fences, walls, trees, shrubs or any landscaping to obstruct the water meter.

3.1.44 ***Customer Shutoff Valve.*** (Reference Ord. No. 490-05.) A customer shutoff valve shall be installed on new construction on the discharge side of each water meter and on each unmetered water supply. Water piping supplying more than one building on any one premise shall be equipped with a separate customer shutoff valve to each building. Such shutoff valve shall be accessible at all times. In multi-dwelling units, one or more shutoff valves shall be provided for each dwelling unit so that the water supply to that dwelling unit can be shut off without stopping water supply to other dwelling units. These valves shall be accessible to every unit that they control.

3.1.45 ***Fire Hydrant Permit Fee.*** A fee for issuing each fire hydrant permit shall be collected from the applicant. (Refer to Section 3.1.55 - Water Rate Schedule No. 8.)

3.1.46 ***Fire Hydrant Rate.*** The rate per piece of fire hydrant water using equipment shall be based on the current applicable minimum annual rate per meter established for three-inch (3") meters by the District. (Refer to Section 3.1.50.) The minimum rate per piece of water using equipment shall be one-twelfth (1/12) of the minimum annual rate per meter corresponding to one (1) month of use. Thereafter, the rate charged will be based on thirty (30) day increments, with each rate increase being one-twelfth (1/12) of the minimum annual rate per meter.

3.1.47 ***Charges Concerning Main Extensions.*** The following provisions shall determine the charge to the applicant for a main extension:

a) The maximum main extension length for which the applicant will be required to pay shall not exceed the distance from the service connection to the nearest accessible main six inches (6") or larger in diameter with adequate capacity and proper pressure.

b) The District shall pay that portion of the cost for a main extension that exceeds the charge for a main two inches (2") in diameter and shall pay the cost of enlarging an existing District main. Where unusual conditions exist, each application will be considered individually, and the applicant will be advised of the terms and conditions under which a main extension may be installed.

WATER RATE SCHEDULES

3.1.48 ***Reimbursement for Fire Hydrant Installations.*** (Reference Ord. No. 563-15) An Owner, in connection with requesting new or increased domestic water service from the District or installing a fire hydrant in connection with the remodel of a Dwelling Unit that does not increase domestic water service, shall be eligible for a limited reimbursement for the cost of installing and connecting a fire hydrant(s) to the District's water system. The fire hydrant(s) installation must be required by a fire department having jurisdiction within the boundaries of the District's service area, must be located as approved by the District and must not otherwise be required by the District in connection with new or increased domestic water service. An Owner eligible for reimbursement for the cost of installing a fire hydrant(s) shall receive a credit from the District at the time of making application to the District for new or increased domestic water service or, in the case of a remodel of a Dwelling Unit that does not increase

domestic water service, at the time of requesting he installation of a fire hydrant. For new or increased domestic water service, the amount of the credit shall not exceed the Water Capacity Charge paid by the Owner to the District in connection with the requested new of increased domestic water service. For a remodel of a Dwelling Unit that does not require new or increased domestic water service, the amount of the credit shall not exceed the cost of a ¾" domestic Water Capacity Charge.

3.1.49 SCHEDULE 1 - WATER CONNECTION FEES

In accordance with the guidelines in Sections 3.1.24 - 3.1.29 inclusive, water connection fees shall be defined in the Appendix Fee Schedule:

a) Water Capacity Charge.

b) Private Fire Protection Service. If the installation of a fire service connection to a residential structure for fire suppression purposes is required by the Fire Code, the District shall impose a water capacity charge for that service connection in accordance with the schedule set forth in the Reference Fee Schedule 3.1.49(c). (Reference Ord. No. 535-11.)

c) Private Fire Protection
Only Water Service Charge.

d) Administrative Costs

e) Periodic Adjustments.

f) Physical Connection

No Water Capacity Charge shall be assessed for the development of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. (Ref. Ord No. 582-22)

3.1.50 SCHEDULE 2 - ANNUAL FLAT-WATER SERVICE

In accordance with the guidelines in Section 3.1.30 inclusive, annual flat water service charges shall be defined in the Appendix Fee Schedule.

3.1.51 SCHEDULE 3 - METERED SERVICE

In accordance with the guidelines in Sections 3.1.35 inclusive, metered water service charges shall be defined in Appendix Fee Schedule.

3.1.52 SCHEDULE 4 – WATER SERVICE CALL CHARGES FOR SERVICE CALLS DURING REGULAR WORKING HOURS (Reference Ord. No. 586-23.)

See Appendix Fee Schedule

3.1.53 SCHEDULE 5 – WATER SERVICE CALL CHARGES FOR SERVICE CALLS OUTSIDE REGULAR WORKING HOURS (Reference Ord. No. 586-23.)

See Appendix Fee Schedule.

3.1.54 SCHEDULE 6 - FIRE HYDRANT PERMIT

A fee will be collected for issuing a fire hydrant permit. See Appendix Fee Schedule.

3.1.55 ***Suspension of Water Service Charges for Vacant Properties.***

a) Upon a parcel owner's request, the District will suspend water service charges for the parcel during any period in which the parcel qualifies for such treatment under this section 3.1.55. A legal parcel will be considered a "vacant property" for the purposes of this section 3.1.55 if it meets the following criteria: the parcel does not contain any type of structure, including any outbuildings, and the parcel is not receiving irrigation water service through any irrigation hydrant. A parcel's water service need not be physically disconnected from the District's water main in order to qualify as a vacant property. (Reference Ord. No. 544-13.)

b) The District will provide a form pursuant to which the owner of a vacant property may request that the District suspend water service charges for a parcel during any period in which the parcel qualifies for treatment as vacant property under this section 3.1.55. The form must include a declaration by the owner that the parcel meets the criteria for being deemed vacant property and must describe the circumstances under which the parcel came to be vacant. Within 30 days, the District staff shall inspect the parcel and determine whether the parcel qualifies as a vacant property and thus is entitled to suspension of water service charges. If an irrigation water hydrant is located on the parcel, the parcel will not be considered a vacant property until the hydrant has been removed and the District has conducted an inspection to verify removal. (Reference Ord. No. 524-10.)

c) During any period in which the parcel qualifies as a vacant property, as described in this section 3.1.55, the District shall impose no water service charges upon the parcel. The suspension of such water service charges shall apply to the entire

billing period in which the parcel is deemed to qualify as a vacant property. (Reference Ord. No. 524-10 and Ord. No. 584-22.)

d) Upon the District's approval of the parcel owner's plans for a new structure upon the parcel, the parcel will no longer be considered vacant property. At such time, the District will resume imposition of water service charges for the parcel. The imposition of water service charges for the parcel shall not include any connection or reconnection fee if the parcel remained connected to the District's water main during the period that it was considered a vacant property.

3.1.56 DELETED (Reference Ord. No. 588-24.)

Section 3.2 District's Duty to Maintain and Repair its Waterlines. (Reference Ord. No. 565-16.)

3.2.1 ***Purpose.*** This Section defines the duties and responsibilities of the District and its customers, regarding the ownership, installation, repair, maintenance and replacement of waterlines and water meters that are used by the District to provide water service to properties within the District's boundaries.

3.2.2 ***Location of Waterlines and Water Meters.*** The District may locate or relocate water meters and waterlines from the main to the property being served at such locations, whether in a public right of way or on the property owner's private property, as determined by the District in its absolute and sole discretion.

3.2.3 ***District Waterline Responsibility.*** The District shall own the waterline from the main to the water meter or the Curb Stop, if there is no water meter, and be responsible for the installation, repair, maintenance and replacement of the waterline serving a property.

3.2.4 ***Property Owner Responsibilities.*** The property owner shall own and be responsible for the installation, repair, maintenance and replacement of any waterlines, valves and other appurtenances from the discharge side of the water meter. Notwithstanding the District's responsibilities in section 3.2.5, a property owner whose property receives water service through a meter that is two inches or greater in size shall be responsible for the maintenance, repair and replacement of the water meter, riser box and appurtenances to their water service connection for one calendar year from the time that the property is connected to the District's water system. The property owner's maintenance, repair and replacement of such meter shall be subject to the provisions of Section 6.5 of the Administrative Code.

3.2.5 ***District Water Meter Responsibility.*** (Reference Ord. No. 565-16.) The District shall own the water meter and be responsible for the installation, repair and maintenance and replacement of all water meters, including risers, boxes and appurtenances. Such responsibility, as described in this Section ends, at the discharge side of the water meter.

3.2.6 ***Right of Entry by District.*** The District shall have the right of ingress and egress across any property that receives water service from the District at reasonable times for any purpose reasonably related to the installation, maintenance, repair, replacement of waterlines and water meters and reading of water meters.

3.2.7 ***Multiple Residential*****.** Where no Homeowners Association exists for a Common Interest Development, the installation, maintenance, repair and replacement of waterlines is the joint and several responsibility of the property owners whose properties are served by the waterline. The District's responsibility for such a waterline is limited by the provisions of Section 3.2.3.

3.2.8 ***Damage to the Water System.*** A property owner shall not damage the District's water system facilities. Any damage caused by the property owner shall be repaired by the District at the property owner's cost and expense.

Section 3.3 Cross Connection Control

3.3.1 ***District's Water System.*** The water system shall be considered to consist of two parts: The District water system and the water user's system.

a) District water system shall consist of the source facilities and the distribution system and shall include the network of conduits used to deliver water and all facilities under the complete control of the District, up to the point where the District's duty to maintain and repair begins, in accordance with Sections 3.2.2 and 3.2.3.

b) The water user's system shall include those parts of the facilities beyond the termination of the District system which are utilized in conveying water for domestic use.

3.3.2 ***Policy.*** No water service connection to any water user shall be installed or maintained by the District unless the water supply is protected, as required by California laws and regulations and this Section 3.3. Service of water to any water user shall be discontinued by the District if a backflow preventer required by this Section

3.3 is not installed, satisfactorily tested, and maintained, or if it is found that a backflow prevention assembly has been removed, or by-passed, or if an uncontrolled cross-connection exists on the property. Service will not be restored until such conditions or defects are corrected in accordance with Sections 3.3.6 - 3.3.10.

3.3.3 ***Purpose.*** The purpose of these provisions regarding cross-connection control is:

a) To protect the potable water supply of the District from contamination and pollution by isolating contaminants and pollutants which could backflow or back-siphon into the District's water system or the water user's private water system(s).
b) To eliminate or control existing or potential cross-connections.
c) To systematically and effectively prevent the contamination or pollution of potable water systems.

3.3.4 ***Responsibility.*** The District shall be responsible for preventing backflow or back-siphon of contaminants or pollutants through the water service connection. If, in the judgment of the General Manager or other authorized District representative, an approved backflow prevention assembly is required for the protection of the District's water system at the District's water service connection to any water user's property, the General Manager, or other authorized District representative, shall give notice in writing to such water user to install an approved backflow prevention assembly at each service connection to the water user's property. The water user shall install such approved prevention assembly or assemblies at the water user's expense within the time schedule required by the notice. Failure, refusal or inability on the part of the water user to install such assembly or assemblies within the time schedule required by the notice shall constitute cause for the imposition of administrative fines and penalties, or discontinuing water service to the property, pursuant to Section 6.5 and Section 6.6, until such assembly or assemblies have been properly installed.

3.3.5 ***Inspection.*** At any reasonable time, authorized representatives of the District may inspect the water user's system to determine whether cross-connections or other structural or sanitary hazards, including violations of any of the Ordinances, rules, and regulations of the District exist.

3.3.6 ***Backflow Prevention.*** An approved backflow prevention assembly shall also be installed on each service connection to a water user's system at or near the property line or immediately inside the building being served; but, in all cases, upstream of the first branch line leading off the service line wherever the following conditions exist:

a) In the case of a water user having an auxiliary water supply which does, or may contain, pollution or contamination, and which is not approved by the General Manager or other authorized representative. If the water user elects to abandon the auxiliary water supply, the backflow control shall not be required under this Section.

b) In the case of property on which any industrial wastes, industrial fluids system or any other pollution or contamination is handled in such a fashion as to create an actual or potential hazard to the District system, including the handling of process waters and waters originating from the District system which have been subject to deterioration in quality.

c) In the case of property having (1) cross-connections that cannot be corrected and controlled; (2) intricate plumbing and piping arrangements; or (3) where entry to all portions of the property is not readily accessible for inspection purposes, thereby making it impracticable or impossible to ascertain whether or not cross-connections exist.

d) Hydronic Heating Systems. The presence of a hydronic heating system will not be considered a condition requiring the installation of a backflow prevention assembly if the system is a "closed loop system" that is not connection to the potable water system for the provision of make-up water. To be considered a closed loop system, exempt from the backflow prevention assembly requirements, the hydronic heating system must have a stand-alone reservoir for make-up water and a double-walled heat exchanger. To be exempt from the backflow prevention assembly requirements, a hydronic heating system must be approved by a District inspector."

3.3.7 ***Type of Backflow Preventer Required.*** The type of backflow preventer required under subsections 3.3.6 (c) 1, 2, 3 shall depend upon the degree of hazard which exists as follows:

a) In the case of any property where there is an auxiliary water supply as stated in Section 3.3.6(a) which is not subject to the provisions of Sections 3.3.7(b) - 3.3.7(f), the District system shall be protected by an air-gap or a reduced pressure principle backflow prevention assembly.

b) In the case of any property where there is a pollutional hazard, but not a health hazard, if introduced into the District system, the District system shall be protected by an approved double check valve or a reduced pressure principle backflow prevention assembly.

c) In the case of any property where there is any material dangerous to health which is handled in a fashion that creates an actual or potential hazard to the District's water system, including District fire sprinkler systems, the District's water system shall be protected by an air-gap or a reduced pressure principle backflow prevention assembly. Examples of property where these conditions will exist include

sewage treatment plants, tank trucks, mobile water using equipment, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

d) In the case of any property where there are uncontrolled cross-connections, the District system shall be protected by an air-gap or a reduced pressure principle backflow prevention assembly at the service connection.

e) In the case of any property where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection inspection, the District's water system shall be protected against backflow from the property by the installation of a backflow prevention assembly at the service connection. In this case, an air-gap or a reduced pressure principle backflow prevention assembly shall be installed at each service connection to the property.

f) In the case of interties with other water purveyors without equivalently controlled cross-connections, such intertie will be removed.

3.3.8 ***Installation.*** All backflow prevention assemblies shall be installed according to District specifications which shall incorporate the State of California guidelines, as amended, and the most recent edition of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research's Manual of Cross-Connection Control. Upon installation of the backflow preventer(s), District Inspectors shall inspect the completed work for compliance with the District's ordinance and specifications. Copies of these guidelines and manual shall be on file at the District's Customer Service Office.

3.3.9 ***Testing.*** (Reference Ord. No. 556-14.) It shall be the duty of the water user at any property where backflow prevention assemblies are installed to have certified inspections and operational tests performed on such backflow assemblies at least once per year. In circumstances in which the District deems the degree of hazard to be great enough, it may require certified inspections and operational tests at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by an independent, certified tester as provided by the California Department of Health Services Guidelines. The South Tahoe Public Utility District will only accept backflow certifications from testers that have supplied the District Inspectors Office with copies of their backflow certification and current calibration of equipment. For the purposes of this section, any individual with current California/Nevada Section American Water Works Association General certification, Northern California Backflow Prevention Association or equivalent successor certification, for testing backflow prevention assemblies on file with the District shall be considered a certified tester. The South Tahoe Public Utility District shall revoke the right of the certified tester to test

backflow prevention assemblies in the District service area, after a hearing before the General Manager, if he/she shall be found to have obtained a certificate by fraud or deceit, or displays negligence, incompetency, misconduct, or misrepresents or falsifies reports in the performance of his/her duties as a Certified Backflow Prevention Assembly Tester. If dissatisfied with the decision of the General Manager, he/she may appeal to the Board by written notice within thirty days.

It shall be the duty of the District to see that these inspections and tests are timely made. The water user shall notify the District in advance when the tests are to be undertaken so that the District's Inspector may observe the inspection and tests if so desired. These backflow prevention assemblies shall be repaired, overhauled or replaced, and retested at the expense of the water user whenever they are determined by the District Inspector to be defective, improperly installed or improperly located. Records of inspections and tests, replacement parts, repairs, overhaul and relocation shall be kept by the water user and made available to the District, the El Dorado County Health Department, the owner of the backflow prevention assembly, and the District or independent inspector. All repair and replacement parts shall be equal in quality to those supplied by the manufacturer of the backflow prevention assembly being repaired or replaced. No backflow prevention assembly may be altered in any way from its manufacturer's design, material, or operational characteristics.

3.3.10 ***Existing Backflow Prevention Assemblies.*** All existing backflow prevention assemblies which do not meet the requirements of this Section 3.3, but were approved when installed and which have been properly maintained shall, except for the inspection and testing requirements under Section 3.3.9, be excluded from the requirements of the Ordinances, rules, and regulations of the District so long as the District has determined that they will satisfactorily protect the District's system. Whenever an existing backflow prevention assembly is moved from its location, requires more than minimum maintenance, or when the District finds that its maintenance constitutes a health hazard, the unit shall be replaced by a backflow prevention assembly meeting the requirements of the Ordinances, rules, and regulations of the District.

Section 3.4 Water Shortage and Drought Response Standards.

3.4.1 ***Purpose.*** The specific provisions of this Section are necessary and proper to conserve water resources and minimize cost to the District and expense to its customers.

WATER CONSERVATION STAGES

3.4.2 ***Water Waste Prohibited.*** No water user shall waste water or make, cause, or permit the use of water for any purpose contrary to any provision of this Section, or in quantities in excess of the use permitted by the conservation stage in effect pursuant to this Section. Soils should be amended appropriately for the soil conditions, type of vegetation, micro-climates and conditions. With proper lawn and garden maintenance and a properly designed irrigation system, watering three times a week is sufficient. Landscape should be installed in a manner that will reduce the amount of water needed for irrigation. Water for landscape should be applied in a manner that optimizes the use of fertilizer by the landscape and should prevent fertilizer from leaching into the ground water. The conservation stage shall be determined by the General Manager with regard to supply and demand of available water supplies, except that the Board shall determine any conservation stage more restrictive than Stage 2.

3.4.3 ***Stage 1 - Normal Conditions.*** During a Stage 1 - normal conditions, Water Users shall not waste water and shall abide by the following:

a) Water Users shall not allow water to flow over the ground surface or from sprinklers onto impervious surfaces or adjacent property.

b) Water Users shall repair all leaks in plumbing and irrigation systems.

c) Hoses shall not be used for washing motor vehicles without an automatic shut-off nozzle attached to the hose. Continuous discharge from hose nozzle is prohibited. Notwithstanding any provision in this Section to the contrary, motor vehicles washing may be done at any time, subject to any other applicable laws, on the property of a Commercial Car Wash or service station. Further, such washing is exempted from these regulations where the health, safety and welfare of the public is dependent upon frequent vehicle cleanings, such as garbage trucks and vehicles which transport food.

d) All Water Users are encouraged to report to the District all signs or indications of water leaks or water waste.

e) The irrigation of non-landscaped, natural vegetation or undeveloped property is expressly prohibited.

f) Designated irrigation days are established: Properties with street addresses ending with an even number shall irrigate on Monday, Wednesday, and Friday; and properties with street addresses ending with an odd number shall irrigate on Sunday, Tuesday and Thursday. There will be no irrigation permitted on Saturday. An individual irrigation zone in a property's irrigation system shall not irrigate more than one hour per day.

1) Operation of irrigation systems shall be discontinued and properly

winterized by November 1st every year or earlier depending on temperatures.

2) Operation of irrigation system shall: (1) not occur between the hours of 10:00 AM and 6:00 PM, (2) not occur while it is raining or snowing and 48 hours after measurable precipitation, and (3) not occur where the air temperature is less than 40 degrees Fahrenheit.

g) An exemption shall exist only under Stage 1 for new lawns and ornamental vegetation planted to comply with the Tahoe Regional Planning Agency's Best Management Practices (BMPs) or, for any other reason, as follows:

1) Newly planted sod will be exempt for twenty-one (21) days from the date it was installed.
2) Seeded lawns, whether by hydroseed or other means, will be exempt for thirty (30) days from the date of application.
3) Bedding plants, including annuals and perennials, will be exempt for fifteen (15) days from the date of planting.
4) Vegetable gardens consisting of at least 75% edible plants shall be exempt from designated irrigation days, with irrigation exclusively utilizing drip or other low flow systems.

The property owner, or his/her designee, must notify the District verbally or in writing to obtain an exemption for the establishment of new vegetation as outlined above. A property may be approved for up to two exemptions per calendar year.

h) The General Manager may permit extended periods of irrigation of public facilities if:

1) a hand-held hose with an automatic shut-off is used, or
2) a hand-held, faucet filled bucket of five (5) gallons or less is used, or
3) a drip or low-flow irrigation system is used, or
4) daytime use of public facilities prevents irrigation of all zones on the designated days listed above.

i) Water shall not be used to wash sidewalks, driveways, parking areas, tennis courts, decks, patios or other improved areas, except in conjunction with driveway repair and sealing, or to alleviate immediate

fire or sanitation hazards.

j) All commercial establishments where food or beverages are provided should encourage the serving of water to their customers only when specifically requested by the customer.

k) All residential and commercial landscaping associated with new construction or new or rehabilitated landscaping at existing properties shall conform with the requirements of the Model Water Efficient Landscape Ordinance, per California Code of Regulations, Title 23, Division 2, Chapter 2.7 or applicable local ordinances superseding the State ordinance.

l) The use of water in decorative water features that do not recirculate the water is prohibited.

m) If a voluntary or mandatory evacuation is required for fire, the continuous use of running irrigation is expressly prohibited.

n) Other restrictions may apply as mandated by regulatory requirements and may supersede this section.

3.4.4 ***Stage 2 – Significant Water Shortage.*** During a Stage 2 – significant water shortage, Stage 1 applies, and also the following shall apply:

a) The filling with water of outdoor swimming pools, which are not covered during periods of non-use, is prohibited.

b) Outdoor irrigation of all vegetation including lawns and landscaping is limited to twice per week, no more than one hour per zone - even number addresses shall irrigate on Monday and Thursday and odd number addresses shall irrigate on Tuesday and Friday - except more frequent irrigation of public facilities may be permitted pursuant to Section 3.4.3(h) and 3.4.15.

c) Water used for irrigating landscaping associated with new construction or new or rehabilitated landscaping at previously improved properties shall be limited to new or rehabilitated landscaping planted to comply with a Tahoe Regional Planning Agency (TRPA) permit requirement. The Owner, or his/her designee, must request permission from the District in writing for the establishment of new vegetation, and may not proceed with work until written approval has been received from the District.

d) Spray irrigation is prohibited in narrow landscape areas and medians less than 10 feet wide to minimize runoff.

3.4.5 ***Stage 3 - Water Emergency*****.** During a Stage 3 **-** Water shortage emergency, Stages 1 and 2 restrictions and the following shall apply:

a) Landscape irrigation is restricted to one day a week. Even addresses on Tuesday and odd addresses on Friday – except more frequent irrigation of public facilities may be permitted pursuant to Section 3.4.3(h) and 3.4.15.

b) No new sod or lawns shall be installed during summer months (June, July, and August), or during non-summer months when daytime temperatures exceed 80 degrees Fahrenheit.

c) The application of water for decorative water features is prohibited.

3.4.6 **Stage 4 – Catastrophic Water Shortage.** (Ref. Ord. 588-24) During a Stage 4 Catastrophic Water Shortage, Stages 1, 2, and 3 and the following shall apply. The Board may designate specific areas for further restrictions as follows.

a) The use of water for other than domestic and commercial use is prohibited except irrigation of public facilities may be permitted pursuant to Section 3.4.15.

b) The District may implement mandatory water rationing.

ENFORCEMENT

3.4.7 ***Enforcement.*** The General Manager, and other District authorized representatives have the duty and are authorized to enforce all provisions of this Section 3.4.

3.4.8 ***First Violation*****.** For a first violation within one calendar year, the District shall issue a written warning to the Water User.

3.4.9 ***Second Violation*****.** For a second violation within one calendar year, a fine of $100 for residential customers shall be added to the Water User's bill at the property where the violation occurred; for the second violation within one year, a fine of $500 for commercial customers shall be added to the Water User's bill at the property where the violation occurred.

3.4.10 ***Third Violation*****.** For a third violation within one calendar year, a fine of $250 for residential customers shall be added to the Water User's bill at the property where the violation occurred; for the third violation within one year, a fine of $750 for commercial customers shall be added to the Water User's bill at the property where the violation occurred. In addition to the fine, the Board or the General Manager may

require installation of a flow-restricting device on the Water User's service connection.

3.4.11 *Fourth Violation*. For the fourth and any additional violations within one calendar year, a fine of $500 for residential customers shall be added to the Water User's bill at the property where the violation occurred; for a fourth and any additional violations within one year, a fine of $1,000 for commercial customers shall be added to the Water User's bill at the property where the violation occurred. The District may also discontinue the Water User's water service at the property where the violation occurred in accordance with District procedures. Re-connection shall be permitted only when there is reasonable protection against future violations, such as a flow-restricting device on the customer's service connection, as determined at the District's discretion.

3.4.12 *District Enforcement Costs*. District shall be reimbursed for its costs and expenses in enforcing the provisions of this Section 3.4, including such costs as District incurs for District staff to investigate and monitor the Water User's compliance with the terms of this Section. Charges for installation of flow-restricting devices or for discontinuing or restoring water service, as the District incurs those charges, shall be added to the Water User's bill at the property where the enforcement costs were incurred.

ADMINISTRATION

3.4.13 *General*. The provisions of this Section 3.4 shall be administered and enforced by the District through the General Manager, who may delegate such enforcement to one or more employees or contractors of the District.

3.4.14 *Utility Accounts*. Accounts shall not be established for new customers, including the transfer of accounts upon change of ownership, until the customer complies with the provisions of this Section 3.4. In pursuing the objectives of this Section 3.4 the General Manager shall seek the cooperation of other utility purveyors within the District's service area. The District will request that other utility purveyors not permit the establishment of new accounts until the customer complies with the provisions of this Section 3.4.

3.4.15 *Discretionary Exemptions*. The Board may, in its discretion, exempt Water Users and individual facilities of Water Users from the provisions of this Section 3.4, or impose reasonable conditions in lieu of compliance with this Section 3.4, if the Board finds that any of the following conditions exist:

a) Hardship. The requirements of this Section would cause an unnecessary and undue hardship upon the Water User, the Water User facility or the public.

b) Health and Safety. Strict compliance with the requirements of this Section 3.4 would create an emergency condition, as determined by the Board or other governmental entity with appropriate jurisdiction, affecting the health, protection or safety of the Water User or the public.

d) No Impact on Water Use. The granting of the exemption or imposition of reasonable conditions in lieu of compliance with this Section 3.4 would not increase the quantity of water consumed by the Water User or otherwise adversely affect service to other Water Users. In granting any such relief, the departure from the requirements of this Section 3.4 shall be limited to the minimum necessary to address the circumstances upon which such departure is required by a Water User.

3.4.16 ***Appeals.*** Any customer or applicant for a variance permit may appeal any decision under this Section 3.4 in accordance with Section 6.7.

REQUIREMENTS FOR NEW CONSTRUCTION

3.4.17 ***Mandatory Fixtures.*** Low water use plumbing fixtures are mandatory for all new construction and any remodeling which involves the installation of new or additional plumbing fixtures. The low water use plumbing fixtures installed pursuant to this Section 3.4.17 shall not be replaced with fixtures which allow greater water use.

Section 3.5 Declining Groundwater Levels. (Ref. Ord. 500-07)

3.5.1 ***Policy and Purpose.*** The purpose of this Section 3.5 is to regulate, manage, conserve and protect the District's ongoing water supply in such a manner that the District's water supply, including but not limited to the groundwater resources within the boundaries of the District, will remain a viable resource to be put to the most efficient and beneficial use by the District and its inhabitants, while also safeguarding the health and safety of the District's inhabitants. The District is responsible for managing the groundwater within its boundaries and is dedicated to preserving the quantity and quality of its groundwater resources.

In response to declining groundwater levels within the District's boundaries, the District intends to authorize District water service to persons who are currently utilizing wells on their property for domestic uses and are experiencing a loss in their well production and/or deteriorating water quality. The District is aware that many

factors can cause or contribute to a loss of production and/or deteriorating water quality in wells including declining water levels associated with droughts, or mechanical problems, age or construction design of the well. Matter of District policy the District desires to offer these well owners District water service as a reliable and cost effective source of supply to mitigate any potential adverse effects, which may be attributable to declining groundwater levels.

3.5.2 ***Authorization of District Service.*** The District shall provide requested water service under reasonable terms and conditions through the District's water distribution system to persons who are currently utilizing and extraction facility on their property for the extraction of groundwater for domestic uses in identified areas of potential declining groundwater levels and who are experiencing, or have experience, a loss of production and/or deterioration in water quality in their wells at any time during the period from July 19, 2007 to July 19. 2015 and who make a showing that 1) their existing wells which have been in operation on or after July 19, 2007, are located within the radius of influence of the District's Municipal Wells; and 2) the loss of production and/or deterioration in water quality was caused or contributed to by the groundwater extraction activities of the District. The District shall have the right to enter upon any property at any reasonable time to make examinations for the purpose of verification of loss of production and/or deterioration in water quality, subject to the provisions of Code of Civil Procedure section 1822.50, et. seq. The District may subsequently revise and extend this time period based upon the results of hydrogeologic studies and investigations prepared by, or on behalf or, the District. The District shall provide the requested water service to these private well owners' subject property of comparable quantity and quality in accordance with the District's rules and regulations. The District shall provide requested water service to these private wells owners' subject property at no cost to the owner of the subject property for the No-Cost Service Period following the date of connection to the District's water distribution system. The No-Cost Service Period shall be determined on a property-by-property basis and shall be equivalent to the difference between 50 years and the age of the extraction facility, in years, in existence on the Subject Property as of July 19, 2007. Thereafter, the District shall charge the owner of the Subject Property the then prevailing rate for District water service as provided in the applicable District rules and regulations. Alternatively, the Property owner may elect that the District establish a five thousand dollar ($5,000) credit for water service to the subject property. The District has determined that, with the incorporation of the No Cost Service Period or a water service credit, the property owner's costs of receiving water service from the District over the remaining useful life of the extraction facility on his or her property are comparable to the cost to the property owner of extracting groundwater for domestic uses from an extraction facility on his or

her property.

3.5.3 ***Connection Fees and Costs; Contents, Decision.*** Any person currently extracting groundwater for domestic uses, who is experiencing, or has experienced, a loss of production and/or deterioration in water quality in his or her extraction facility at any time during the period from July 19, 2007 to July 19, 2015, and makes a showing that the loss of production and/or deterioration in water quality was caused or contributed to by the groundwater extraction activities of the District may apply to the District for a connection fee exemption and reimbursement of connection costs. The District shall reimburse the licensed contractor employed by those persons who make such a showing for all reasonable costs associated with connection to the District's water distribution, including but not limited to the construction of pipeline laterals, installation of meters, and destruction of the well(s) on the subject property. This exemption and reimbursement shall not apply to persons extracting groundwater for industrial uses or to persons extracting groundwater for combined industrial and cosmetic uses where the industrial use is the predominant (greater than 70%) use.

3.5.4 ***Application for Connection Fee Exemption and Reimbursement of Connection Costs.***

A. Application for a connection fee exemption and reimbursement of connection costs shall be made in writing on such form as may be prescribed by the District, signed by the applicant and shall include the following:

1) Applicant's name and address.
2) Location of the subject property for which the exemption and reimbursement is sought, including the street address and assessor's parcel number(s).
3) Description of the legal interest the applicant has in the subject property (i.e., owner) and the name and address of the owner of the subject property if the applicant is not the owner.
4) A detailed description of the extraction facility(ies) located on the subject property. Such description shall include, if known:

    a) Date when loss of productivity and/or deteriorating water quality was first experienced.
    b) Depth of the well.
    c) Perforation intervals.
    d) Date of construction.
    e) Casing size.
    f) Flow rate.
    g) Static water level.
    h) Physical condition of the well.
    i) Proximity to District's municipal wells.
    j) Any other information as the District may deem necessary in

order to determine whether an exemption or reimbursement should be granted.

The District shall have the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of verification of the information provided in the applicant's description of the extraction facility (ies), subject to the provisions of Code of Civil Procedure section 1822.50, et seq.

B. Each application for a connection fee exemption or reimbursement of connection costs shall be reviewed and evaluated for approval by the District's General Manager or his or her designee as soon as practicable after the application is filed in proper form.

3.5.5 *Prohibitions*.

A. Pursuant to District Ordinance No.394 establishing control of cross-connections in order to protect the public potable water supply of the District and to promote the elimination or control of existing cross-connections, and as a condition to the provision of District water service, it shall be unlawful for any property located within the District to receive water service from the District and concurrently receive water supplied from a water well located on the subject property or a water well located on any other property located within the boundaries of the District.

B. The prohibition of subsection (A) of this section does not apply to any property that, as of the effective date of Ordinance No. 500-07, is receiving water service from the District and concurrently receiving water from an active well located on the subject property in compliance with Ordinance No. 394 establishing control of cross-connections.

3.5.6 *Variance Permits; Contents, Hearing, Decision*. Any person seeking to supply a subject property from two or more supplies of water, one of which is from the District, must receive prior approval from the District by applying for a variance permit.

3.5.7 *Application for Variance Permit*.

A. Applications for a variance permit shall be made in writing to the District on such form as may be prescribed by the District, signed by the applicant and shall include the following:

1) Applicant's name and address.
2) Location of the subject property to which the concurrent water supply is sought, including the street address and assessor's parcel number(s).
3) Description of the legal interest the applicant has in the subject

property (e.g., owner) and the name and address of the owner of the subject property if the applicant is not the owner.

4) A description of the water supply sources, other than the District; from which the subject property will be supplied in compliance with Ordinance No. 394 establishing control of cross-connections. The costs of the required backflow preventer under Ordinance No. 394 shall be borne by the applicant.

B. Each application for a variance permit shall be reviewed and evaluated for approval by the District's General Manager or his or her designee as soon as practicable after the application is filed in proper form.

C. The issuance of a variance permit hereunder shall be deemed a discretionary act and issuance shall be in the sole discretion of the District given the standards and policies set forth under this Ordinance. In approving discretionary permits, the District's General Manager or his or her designee is hereby authorized to impose any reasonable conditions, modifications, or limitations on any part of the application which are deemed necessary to eliminate or substantially mitigate any significant adverse impact on the environment, the District groundwater resource, and any other District water supply sources, for the health and safety of the inhabitants of the District and otherwise carry out the purpose and goals of this Ordinance. As a discretionary act, issuance of a variance permit requires compliance with the California Environmental Quality Act (Public Resources Code sections 21000, et seq.). The District's General manager or his or her designee may determine whether the applicant's existing well is subject to a categorical exemption pursuant to California Code of Regulations, title 14, section 15301 (CEQA Guidelines section 15301).

D. As a condition of the issuance of a variance permit by the District, a release shall be given by the applicant to the District relinquishing all existing and future claims against the District related to quantity and/or quality of the water the applicant receives from the well or wells on the subject property or water well or wells located on any other property within the boundaries of the District. The release shall be on such form as may be prescribed by the District and shall be submitted concurrently upon the District's issuance of a variance permit. The release touches and concerns and runs with the subject property and shall be recorded by the District with the County Recorder's Office.

3.5.8 ***Application Review.*** Each application for a variance permit shall be reviewed and evaluated for approval by the General Manager within ten (10) days after the completed application is received by the District.

3.5.9 ***Issuance of Variance Permit Discretionary.*** The issuance of a variance permit shall be deemed a discretionary act and issuance shall be in the sole discretion of the District in accordance with the standards and policies set forth under this Section 3.5. In approving discretionary permits, the General Manager is authorized to impose any reasonable conditions, modifications, or limitations on any part of the permit which are deemed necessary to eliminate or substantially mitigate any significant adverse impact on the environment, District groundwater resources, and any other

District water supply sources, for the health and safety of the water users of the District and otherwise to carry out the purpose and goals of this Section 3.5. As a discretionary act, issuance of a variance permit requires compliance with the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.) The General Manager may determine whether the applicant's existing well is subject to a categorical exemption pursuant to California Code of Regulations, Title 14, Section 15301 (CEQA Guidelines Section 15301), or its successor provision.

3.5.10 ***Condition of Variance Permit.*** As a condition of the issuance of a variance permit by the District, a release shall be given by the applicant to the District relinquishing all existing and future claims against the District, whether known or unknown, related to quantity and/or quality of the water the applicant receives from the well or wells on the subject property or well or wells located on any other property within the boundaries of the District. The release shall be in a form prescribed by the District and shall be submitted concurrently upon the District's issuance of a variance permit. The release touches and concerns and runs with the subject property and shall be recorded by the District with the County Recorder's Office.

3.5.11 ***Permit Expiration, Renewal***.

A. Every variance permit issued pursuant to Ordinance No. 500-07 expires upon the date specified in the permit or upon the abandonment and/or destruction of the applicant's well.

B. Should the conditions on the subject property so warrant, the variance permit may be renewed by filing a new application for a variance permit in accordance with the provisions of Ordinance No. 500-07. There is no limit to the number of times a variance permit may be issued for the subject property should conditions so warrant.

3.5.12 ***Suspension or Revocation.***

A. The District may suspend or revoke a variance permit issued under Ordinance No. 500-07 whenever the District determines that a permit condition or term has been violated or that an applicant has misrepresented any material fact in the application for a variance permit.

B. Before the District suspends or revokes a variance permit, the District shall make reasonable effort to notify the applicant, to allow the applicant an opportunity to show good cause why the permit should not be suspended or revoked.

C. Upon notification by the District that the permit is suspended or revoked, the District may terminate District water service to the subject property.

3.5.13 ***Appeals from Denial, Suspension, Revocation.***

Any person whose application for a permit has been suspended, revoked or denied may appeal to the Board of Directors in writing within ten (10) days after notice of such suspension, revocation or denial. Said appeal shall specify the reasons therefore and shall be accompanied by a filing fee, if any, as established by the Board. The Clerk of the Board of the District shall set the appeal for hearing and shall give notice to the appellant and the appropriate District personnel of the time and place of the hearing.

3.5.14 Liability for Violations.

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.

Section 3.6 Methyl Tertiary Butyl Ether (MTBE) Contamination Fund.

3.6.1 ***Policy and Purpose.*** The purpose of this section is to restrict the use of funds received by the District from MTBE contamination settlements and judgement(s) for use in addressing damages caused by MTBE contamination of groundwater resources and the Water System. It is essential that the District manage these financial resources to ensure that these funds are available to address damages caused by MTBE contamination, now and in the future.

3.6.2 ***Separate Accounting Fund.*** The funds collected by the District as a result of action titled South Tahoe Public Utility District v. ARCO Chemical Company, et al., San Francisco County Superior Court Case No. 999128 (Action), whether from settlements, judgments or otherwise, shall be restricted by the District for uses described in section 3.6.3, below. The Chief Financial Officer of the District shall establish a separate accounting fund within the Water Enterprise Fund for funds received from the Action. This separate accounting fund shall be titled the MTBE Contamination Fund.

3.6.3 ***Use of MTBE Funds.*** The funds received by the District from the action shall be deposited in the MTBE Contamination Fund and used solely and exclusively for the costs and expenses associated with addressing changes from MTBE Contamination of groundwater resources and the Water System. These costs and expenses include, but shall not be limited to, the following:

A. Capital costs for land, improvements to land, easements, buildings, building improvements, wells, replacement water supplies, water lines, vehicles, machines, equipment, and all other tangible or intangible assets that are used in operations.

B. Operating costs such as public and private utility costs, chemicals and other supplies, consulting costs, lobbying, legal expenses and fees, and laboratory costs and supplies.

C. District staff labor and related overhead costs.

D. All costs related to borrowing of funds such as interest expense, loan fees and similar customary costs; and,

E. Other related costs and expenses as determined by the District.

Notwithstanding the use limitations described in this Section 3.6.3, during Fiscal Year 2009/10, by no less than an affirmative vote of four of the District's five Board of Directors, the Water Fund may borrow up to $1,100,000 from the MTBE Contamination Fund to complete certain waterline replacement projects identified by the District. All funds borrowed will be repaid, along with accrued interest, subject to terms approved by no less than an affirmative vote of four of the District's five Board of Directors.

3.6.4 ***Annual Report.*** The District shall prepare an annual report on the status of the MTBE Contamination Fund. The report shall include, in addition to those matters required by Generally Accepted Accounting Principles, a detailed description of the funds actually used or committed to be used over the past year, estimated budget for anticipated uses of the funds for the period consistent with the District's Five-Year Forecast, and any other related information the District determines reasonable or necessary. The report shall be presented to the District's Board of Directors during a noticed regular public meeting of the District's Board of Directors as part of the normal annual budget process.

3.6.5 ***Rules and Regulations.*** The District shall have the authority to promulgate rules, regulations and procedures to implement and carry out the intent and purpose of this section, provided such rules, regulations and procedures are consistent with this section.

3.6.6 ***Amendment/Modification/Termination.*** This Section 3.6 may be amended, modified or terminated by the District at any time after its adoption by no less than an affirmative vote of four of the District's Board of Directors. Amendments, modifications, or termination shall be considered and approved, or disapproved, only at a noticed regular public hearing by the District's Board of Directors.

SECTION 4 SEWER

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Section 4.1 General Provisions.

4.1.1 ***Rules and Regulations.*** The following rules and regulations respecting sewer construction, disposal of sewage, drainage of buildings and connection to the sewer works of the District are adopted. All related work shall be performed according to the Uniform Plumbing Code or as otherwise specified herein.

4.1.2 ***Purpose.*** This Section is intended to provide certain minimum standards, provisions and requirements for design, methods of construction, and use of materials in sanitary sewage facilities, and inside sewers hereafter installed, altered or repaired. This Section shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used. This Section is also intended to provide a schedule of annual charges for sewer services, payable in advance.

4.1.3 ***Failure to Use Public Sewer Unlawful.*** Following the effective date of this Section 4, it shall be unlawful for any person to connect, construct, install, provide, maintain or use any other means of sewage disposal from any building in the District except by connection to a public sewer in the manner as provided in this Section 4.

4.1.4 ***Plumbing, Inspection, Compensation.*** The Board shall employ the General Manager to perform the duties of inspecting the installation, connection, maintenance and use of all sewer laterals and plumbing, sewerage, sanitary drainage work and related facilities within the boundaries of the District. The General Manager may assign such inspection duties to his/her designee.

4.1.5 ***Powers and Authorities of Inspectors.*** The officers, inspectors and any duly authorized employees of the District shall wear or carry evidence establishing his or her position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary for the enforcement of the provisions of Ordinances, rules and regulations of the District.

4.1.6 ***Right of Entry by District.*** Authorized representatives of the District shall have the right of ingress to and egress from a customer's property at reasonable hours for any purpose reasonably related to this Section 4, and all Ordinances, rules, regulations, and specifications of the District duly adopted or amended.

Section 4.2 Sewer Permits.

4.2.1 ***Sewer Permit Required.*** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance, perform any work on any sewer or drainage system or construct a sewer lateral without first obtaining a written sewer permit from the District and paying all required fees and connection charges. The application for a sewer permit shall be on a form approved and provided by the District.

4.2.2 ***Grant of Permit by Board Optional.*** The granting of such permit shall be optional with the Board.

4.2.3 ***Classes of Permits.*** There shall be two (2) classes of permits, as follows:

a) Sewer lateral construction permit.
b) Public sewer construction permit.

4.2.4 ***Plans, Profiles, and Specifications Required.*** The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground and complying with all applicable provisions of the Ordinances, rules, and regulations of District. The application, together with the plans, profiles, and specifications, shall be examined by the General Manager or his/her designee who shall approve them as submitted or require them to be modified as he/she deems necessary for proper installation. After examination by the General Manager, or his/her designee, the application, plans, profiles and specifications shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees, and furnishing of bonds as may be required by the District. The permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

4.2.5 ***Special Power of Attorney.*** The legal owner of record of a parcel of real property may give an acknowledged Special Power of Attorney to any person for the purpose of applying to the District for a sewer permit.

4.2.6 ***Agreement.*** The application for a sewer permit, as set forth in Section 4.6.4, shall constitute an agreement to comply with all of the provisions, terms and

requirements of the Ordinances, rules and regulations of the District, and with the plans and specifications filed with the application, if any, together with such corrections or modifications as may be made or permitted by the District. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration by the applicant.

4.2.7 ***Compliance With Permit.*** After approval of the application, as evidenced by the issuance of a sewer permit, no changes shall be made in the occupancy, use, location, grade, materials or other details from those described in the permit or as shown on the plans and specifications for which the sewer permit was issued without the express written permission from the District, the District Inspector, or other authorized representative, or the filing of a new application.

4.2.8 ***Fees and Connection Charges.*** All connection charges, fees and other charges in the District, and in areas annexed thereto as set forth in the Ordinances, rules and regulations of the District, shall be paid and complied with in the manner provided in said Ordinances, rules and regulations. All fees collected on behalf of the District shall be deposited with the proper authority, as determined by the District, to receive such funds.

4.2.9 ***Permits for Sewers Outside District Jurisdiction.*** A permit shall not be granted to connect any lot or parcel of land outside or excluded from the District to any public sewer in or under the jurisdiction of the District unless a petition for annexation is filed with the Clerk of the District. All provisions of annexation to the District, as heretofore or hereafter fixed, shall be prior to issuing a sewer permit. All sewer work constructed shall be inspected in accordance with Sections 4.4.8 and 4.4.10.

4.2.10 ***Time Limits On Sewer Permits.*** (Reference Ord. No. 520-10.) A sewer permit for construction of a public or sewer lateral shall be null and void:

a) A permit for construction of a sewer lateral shall permit the connection to the District's sewer service, in accordance with the applicable provisions of the Ordinances, rules, and regulations of the District and specifications for sewer service in effect at the date of permitting, for a period of three (3) years from the date the permit is issued. If, at the expiration of the three (3) year initial permit term, the permittee may extend the permit term for an additional one (1) year term (the "Extension Term"), provided that the permittee pays the required administrative fee. (Refer to Section 4.5.13 – Sewer Rate Schedule 7.) Any permit extended pursuant to this subsection

shall be subject to the terms of the District's Administrative Code and regulations in effect at the date of extension.

b) Those permits for construction of a sewer lateral that have been issued prior to the effective date of Ordinance No. 520-10 shall permit the connection to the District's sewer service, in accordance with applicable provisions of the Ordinance, rules, and regulations of the District and specifications for sewer service in effect at the date of permitting, for a period of three (3) years from the effective date of Ordinance No. 520-10. If, at the expiration of this three (3) year term, the permittee has yet to construct the permitted connection to the District's sewer system, the permittee may extend the permit term for an additional one (1) year Extension Term, provided that the permittee pays the required administrative fee. (Refer to Section 4.5.13 – Sewer Rate Schedule No. 7.). If, at the expiration of anyone (1) year Extension Term, provided that the permittee pays the required administrative fee. (Refer to Section 4.5.13 – Sewer Rate Schedule No. 7.). Any permit extended pursuant to this subsection shall be subject to the terms of the District's Administrative Code and regulations in effect at the date of extension. (Reference Ord. No. 520-10.)

c) If, upon the expiration of any permit term, including, any Extension Term, as applicable, the permittee has not connected to the District's sewer service, and the permit holder fails to extend the permit, as provided for in section (a) or section (b), above, the permit shall be suspended, and no connection to the District's sewer system shall be made thereunder, until the permittee extends the permit term by an additional one (1) year Extension Term and pays the required administrative fee for each full calendar year that has passed since the expiration of the prior three (3) year permit term or one (1) year Extension Term, as applicable. (Refer to Section 4.5.13 – Sewer Rate Schedule No. 7.)

e) At any time prior to connection to the District's sewer system, a permittee may terminate its sewer connection permit and the District shall refund to the permittee the applicable fee for sewer connection, pursuant to Administrative Code section 4.5, paid by the permittee upon receipt of its permit. Upon the permittee's termination of the permit term, the permittee shall not be entitled to the refund of any administrative fees paid for extension of the permit term, as applicable.

f) Any permittee may choose to comply with the changes in the applicable provisions of the Ordinances, rules, and regulations of the District and specifications for sewer service made after the date of permitting but prior to connection to the District's sewer service.

g) Notwithstanding the above, a sewer permit for construction of a sewer lateral will be null and void:

1) If construction project is not accepted by County or City for the proposed improvement to be served by the sewer; or

2) If the County or City voids or cancels either the application or permit for construction of the proposed improvements to be served by the sewer.

h) Notwithstanding the above, the District shall not require payment of an Administrative Fee for development of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. (Ref. Ord No. 582-22)

4.2.11 ***Easements or Right-of-Way.*** In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the Board a proper easement or grant of right-of-way as determined by the District to allow the laying and maintenance of such extension or connection.

4.2.12 ***Street Excavation Permit.*** A separate permit must be secured by owners or contractors intending to excavate in a public street for the purpose of installing or repairing sewers or making sewer connections from the State, County, City or any other public entity with appropriate jurisdiction.

Section 4.3 Public Sewer Specifications.

4.3.1 ***Design and Construction Standards.*** Minimum standards for the design and construction of public sewers within the District shall be in accordance with the applicable provisions of the Ordinances, rules, regulations and with the current District specifications for public sewer construction. The District may permit modifications or may require higher standards as conditions dictate, in the District's discretion.

4.3.2 ***Separate Sewers*****.** Except as otherwise provided herein, each Dwelling Unit or Building under separate ownership or on a separate parcel must be separately connected with a public sewer if such public sewer exits in the street upon which the property abuts or in an easement which will serve said property.

4.3.2.1 Common *Ownership*. Two or more Dwelling Units or Buildings under common ownership and on the same lot or parcel of land shall be connected through the same connection to a public sewer, provided, however, that the District may limit the number of Dwelling Units or Buildings under common ownership that may be connected by one service connection.

4.3.2.2 Subdivided *Parcel*. Except as provided in Section 4.3.2.3, when a parcel provided with a service connection to a public sewer is subdivided, that service connection shall be designated to the lot or parcel from which it connects to the District's system, and each other lot or parcel shall require a new service connection.

4.3.2.3 Multiple *Service*. A Common Interest Development, which consists of two or more assessors' parcels, and is or will be managed by a Homeowners Association, shall install and maintain one service connection, provided, however, that the District may limit the number of Dwelling Units that may be connected through one service connection or device. A Common Interest Development, which consists of two or more assessors' parcels and is not or will not be managed by a Homeowners Association, shall install, and maintain a separate service connection to each Dwelling Unit within the development. The developer of a Common Interest Development may elect, at his or her cost, to have installed and maintained a separate service connection for each Dwelling Unit within the development. In such case, the developer shall be responsible for securing to the District all access easements the District deems necessary, prior to connection to the District's sewer system.

4.3.2.4 Existing *Sewer Connections*. All sewer connections, existing as of the effective date of Ordinance 516-09, which do not meet the requirements of this Section 4.3.2, but were approved when installed and have otherwise been in compliance with the District's rules and regulations, shall be excluded from the requirements of this Section until the occurrence of a "qualifying event." The following events shall be considered qualifying events requiring compliance with Section 4.3.2: (a) application for new sewer service, (b) request for a change of account name, (c) the District's receipt of notification from the County of El Dorado, City of South Lake Tahoe, or an applicant, that application has been made for a building permit, (d) in the case of a Common Interest Development for which, pursuant to section 6.2.1, a Homeowners Association is responsible for payment of District sewer bills, the dissolution of that Homeowners Association; or (f) any other requested modification of sewer service to the Common Interest Development.

4.3.2.5 Accessory Dwelling Unit and Junior Accessory Dwelling Unit. An Accessory Dwelling Unit and Junior Accessory Dwelling Unit shall not require a separate sewer connection to the Public Sewer. (Ref. Ord. No. 582-22)

4.3.3 *Connection to Public Sewer.* The connection of the sewer lateral into the public sewer shall be made at the lateral or "Y" or "T" branch, if such lateral or "Y" or "T" branch is available at a suitable location. Where no "Y" or "T" branch is available, a neat hole may be cut into the public sewer to receive the sewer lateral with entry in the downstream direction at an angle of about forty-five degrees (45º). A wye saddle shall

be used for the connection and in no case shall the pipe protrude inside the main sewer. The invert of the sewer lateral at the point of connection shall be made and the connection made secure. The connection to the public sewer shall be made in the presence of the District Inspector and under the District Inspector's supervision and direction and in accordance with the applicable provisions of the Ordinances, rules, regulations and the District's current specifications for sewer construction. Any damage to the public sewer shall be repaired at the expense of the applicant to the satisfaction of the District Inspector.

4.3.4 ***Control Manholes.*** When required by the District, the owner of any property served by a sewer lateral carrying industrial wastes shall install a suitable control manhole to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

4.3.5 ***Sewer Materials.*** The sewer lateral shall be cast iron soil pipe, meeting current applicable standards; or other suitable material established and incorporated by the District into current specifications for sewer construction. Joints shall be of the same material and shall be tight and waterproof.

4.3.6 ***Minimum Size and Slope.*** The size and slope of the sewer lateral shall be subject to the approval of the Inspector, but in no event shall the diameter be less than four (4) inches. The slope of such 4-inch pipe shall be not less than one-fourth (¼) inch per foot.

4.3.7 ***Sewer Too Low.*** In all buildings in which any sewer lateral is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer lateral shall be lifted by artificial means, approved by the District Inspector, and discharged to the public sewer at the expense of the owner.

4.3.8 ***Sewer Lateral.*** Whenever possible the sewer lateral should be brought to the building at an elevation below the basement floor. No sewer lateral shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only approved fittings of the same material.

4.3.9 ***Existing Sewer Laterals.*** Existing sewer laterals may be used in connection with new and/or remodeled buildings only when such existing sewer lateral are determined by the District to have passed a current air test, or an air test conducted within the prior ten (10) years. If the air test fails in the lower lateral, the District will perform a CCTV inspection and repair any major structural damage or blockages and/or place into the Asset Management System for minor structural damage or repair. If the air test fails in the upper lateral, the owner shall repair or replace upper lateral piping and air test pipe again. After the lateral passes' inspection, either by air test or CCTV inspection, it will be certified for ten (10) years from the date of the inspection.

4.3.10 ***Sewer Laterals for New Construction*****.** After installation of the upper sewer lateral by the property owner, the upper lateral shall pass an air test. If the air test fails, the owner shall repair or replace the lateral and air test the pipe again. The District will perform a CCTV inspection of the lower sewer lateral and repair any major structural damage or blockages and/or place into the Asset Management System for minor structural damage or repair. After the lateral passes' inspection, either by air test or CCTV inspection, it will be certified for ten (10) year from the date of the inspection.

4.3.11 ***Remodeling, Additions, Change of Use*****.** At the time of Remodeling, all new plumbing fixtures shall be Low Water Use Plumbing Fixtures. These fixtures shall be installed and maintained and shall not be replaced with fixtures which allow greater water use.

4.3.12 ***Purpose of Requirement of Backwater Prevention Device.*** (Reference Ordinance No. 510-08, effective July 3, 2008) When stoppages occur in sanitary sewers, there exists the potential of adverse public and private health impacts and damage to property resulting from sewage overflow and back flooding on public and private property. It is the purpose of Section 4.3.12 to protect the health and safety of residents of the District and to minimize the possibility of damage to property by requiring the proper installation and maintenance of backwater prevention devices when deemed necessary by District personnel. Such devices shall be installed in accordance with District specifications.

A. *Maintenance Requirements.* All backwater prevention devices shall be maintained so as to provide for their continuing function as designed. All backwater prevention devices shall be accessible at all times and shall be free from any obstructions, including, but not limited to, rocks, soil, vegetation, snow, landscaping, concrete, asphalt or other ground coverings that may impair the function of and accessibility to the device.

B. *Failure to Follow Backwater Prevention Device Requirements.* Any

property owner who has failed to install or maintain a backwater prevention device at the direction of the District shall be responsible for all damage that results from the lack of such a device, or the failure of the defective device to prevent such damage. A property owner may only refuse to install or maintain a backwater prevention device, contrary to the direction of the District, upon the execution of a recordable acknowledgement of the property owner's assumption of the risk and waiver of liability against the District for all overflows impacting the property for which the property owner refuses to install the device. Once executed, the waiver and assumption of risk shall be recorded with the El Dorado County Recorder's Office so as to become part of the property's chain of title.

Section 4.4 Public Sewer Construction.

4.4.1 ***Compliance With Local Regulations.*** Any person constructing a sewer within a street shall comply with all State, City and County laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the public entity having jurisdiction prior to the issuance of a permit by the District.

4.4.2 ***Construction Requirements.*** Construction and inspection of sewer laterals shall be in accordance with all applicable requirements of the County, the City, State of California, and provisions of the Ordinances, rules, regulations, and current specifications for sewer construction.

4.4.3 ***Liability.*** The District and its directors, officers, agents and employees shall not be liable for any injury or death to any person or damage to any property arising during or arising out of the performance of any work by any applicant. The applicant shall indemnify, defend and hold harmless the District, its directors, officers, agents and employees from and against any and all liabilities, losses, claims, damages, costs and expenses caused by, arising from or related to sewer construction or other related work performed pursuant to this Section 4.4, including but not limited to, any and all attorneys', paralegal and expert fees and expenses, except where caused by the active negligence, sole negligence, or willful misconduct of the District. Applicant shall be solely liable for any defects in the performance of applicant's work or any failure which may develop in such work.

4.4.4 ***Persons Authorized to Perform Work.*** Only Class A licensed contractors and/or C12 contractors shall be authorized to perform the work of public

sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this Section shall apply to sewer laterals installed and/or connected to public sewer construction.

4.4.5 ***Grade Stakes.*** Grade and line stakes shall be set by a Registered Land Surveyor or applicably Licensed Civil Engineer prior to the start of construction on any public sewer. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

4.4.6 ***Joints and Connections.*** All excavations required for the installation of a sewer lateral shall be open trench work unless otherwise approved by the District. Pipe laying and backfill shall be performed in accordance current applicable standards, except that no backfill shall be placed until the work has been inspected. All work shall be in accordance with the applicable provisions of the Ordinances, rules, regulations, and current specifications for sewer construction.

4.4.7 ***Protection of Excavation.*** The applicant shall maintain such barriers, lights and signs as are required by law or necessary to give warning to the public at all times that a sewer is under construction and of any dangerous condition which may be encountered as a result. The applicant shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction of the public sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District, the City, County, or any other public entity having jurisdiction. All required shoring shall be properly installed before the District Inspector enters the excavation.

4.4.8 ***All Work To Be Inspected.*** All sewer construction work shall be inspected by the District Inspector, or an inspector authorized by and acting for the District to ensure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected, tested and accepted by the District. No sewer shall be connected to the District's public sewer until the work covered by the sewer permit has been completed, tested, inspected and approved by the District Inspector.

4.4.9 ***Notification.*** It shall be the duty of the person doing the work authorized by a sewer permit to notify the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work shall comply with the tests required by the District before giving the

above notification.

4.4.10 ***Inspection.*** The District will inspect sewer construction, as described below:

a) *Sewer Lateral.* The sewer lateral inspection will verify proper installation, connection, and use of materials.

b) *Final Inspection.* A final inspection may be conducted by the District after the City and/or County Building Department has made its final inspection. The District's final inspection will verify that the plumbing fixtures and their location(s) are as specified in the construction plans, the application and sewer permit issued.

4.4.11 ***Nonconforming Work.*** When any work has been inspected and the work or any portion of the work is not approved and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the property, or the agent of such owner, to repair such work or portion of such work as authorized by the permit in accordance with the Ordinances, rules and regulations of the District.

4.4.12 ***As-Built Drawings.*** "As-Built" drawings showing the actual location of all mains, structures, Y's, T's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

Section 4.5 Sewer Fees, Rates, and Schedules.

4.5.1 ***All Costs Paid By Owner.*** All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be paid by the owner.

4.5.2 ***Fees for Sewer Connection.*** Sewer connection charges shall be determined as follows:

a) A sewer connection fee shall be paid to the District by the applicant desiring connection to the District sewer system based upon the number of sewer units which are required to serve the improvements on the property. (Refer to Section 4.5.7 in Appendix Fee Schedule)

b) At any time, sewer capacity is added to any property for which the initial connection charge has been previously paid in an amount which did not include such additional capacity, as a condition to such property remaining connected to the District sewer system, there shall be a subsequent connection charge to provide for the additional sewer capacity requirements. (Refer to Appendix Fee Schedule 4.5.7)

c) A fee shall be paid to the District for issuing a sewer permit to connect and inspect a sewer lateral and issuing a permit to install and inspect a

wye saddle. (Refer to Appendix Fee Schedule 4.5.9). (Reference Ord. No. 546-13.)

d) Reserved (Reference Ord. No. 546-13.)

e) Sewer connection fees as determined from time to time by the Board shall apply to all new connections. Connection fee revenue shall be used to evaluate potential projects related to the sewer enterprise of the District; to plan, study, undertake, complete and finance such capital projects; to pay the costs incurred by the District to provide and inspect new connections, including the portion of the connector's obligation for the accumulated equity in the sewer enterprise and the District's costs in coordinating with other governmental entities to facilitate such connection.

f) Neither this provision, nor payment of the connection fees described in this Section shall constitute approval of any capital project.

g) Notwithstanding the above, no connection fee shall be assessed for the development of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit. (Ref. Ord. No. 582-22)

4.5.3 ***Fees and Bond for Public Sewer Construction.***

a) A fee, in an amount deemed necessary by the District to pay all engineering, inspection and other costs required to ensure compliance with the terms of the sewer permit and with the Ordinances, rules and regulations of the District, shall be paid by the applicant to the District prior to the time the sewer permit is issued, for reviewing plans and specifications, issuing a sewer permit and inspecting the installation of public sewer mains, laterals and all appurtenances. If the fee fixed by the District is less than the actual cost to the District, the applicant shall be liable for the excess cost to the District.

b) Prior to the issuance of a permit for public sewer construction, the applicant shall furnish to the District a faithful performance and payment bond or cash deposit in the amount of the total estimated cost of the work. Said bond to be secured by a surety or sureties satisfactory to the District. The cash deposit or faithful performance and payment bond shall be in a form as authorized and approved by the District and shall be conditioned upon the performance of the terms and conditions of the sewer permit and the payment of all subcontractors and material suppliers and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

4.5.4 ***General Rates - Sewer Service.*** Connections shall be billed when a final inspection is completed. (Reference Ordinance No. 575-19 Effective October 1, 2019)

4.5.5 ***Special Charges.*** Facilities in or about residential, commercial and industrial establishments discharging extraordinary amounts of waste into the District's

sewer system shall be subject to such charges and to such conditions as may be established by the Board.

4.5.6 ***Schedule of Units.*** The following is a schedule of the number of units to be applied to each type of connection to the sewer system of the District:

a) Homes and Apartments: A minimum of three (3) units for each home or each apartment plus an additional unit for each bath or half-bath in excess of two baths, except that the minimum for a home or apartment having only one bath and only one bedroom, which is equipped with low water-use fixtures, or for a studio apartment, is two (2) units.

b) Motels/Hotels/Timeshares: Each bath with shower and/or standard bathtub with less than seventy-five (75) gallon overflow capacity, one (1) unit. Bathtubs with overflow capacity equal to or greater than seventy-five (75) gallons shall require one (1) additional unit. Each kitchen, one (1) unit.

c) Restaurant: One (1) unit per restroom; five (5) units for the first twenty (20) seats, whether indoor seats or outdoor seats, plus one (1) additional unit for every twenty (20) indoor seats or fraction over twenty (20). The first twenty (20) seats of outdoor seating shall not require any units; outdoor seating in excess of the first twenty (20) seats shall require one-half (.5) units per twenty (20) seats; one (1) additional unit for every forty (40) outdoor seats or fraction over forty (40). For the purpose of this Section, where a bar is operated in connection with a restaurant, bar stools will be counted as seats. Commercial establishments that sell food, but which have no eating or seating on the property shall be counted as other commercial in sub-paragraph (j).

d) Service Stations: Five (5) units, one (1) unit per RV dump.

e) Mobile Home/Trailer Parks, Campgrounds: Three (3) units per trailer space that will accommodate a trailer in excess of forty (40) feet in length and twelve (12) feet in width with a sewer connection provided; one (1) unit per trailer space for all other trailer spaces with a sewer connection provided. One (1) unit per two trailer spaces without a sewer connection provided.

f) Swimming Pools, hot tubs, used in connection with a commercial establishment: Two (2) units per swimming pool and hot tub.

g) Taverns without food facilities: Five (5) units, plus one (1) unit per restroom.

h) Meeting Rooms, Banquet/Ballroom Facilities: One (1) unit per 100-person of maximum room capacity, or fraction thereof, as designed by the Fire Chief with authority in the jurisdiction.

i) All other commercial establishments: One (1) sewer unit per five (5) fixture units as defined in the Uniform Plumbing Code.

4.5.7 - SCHEDULE 1 (Reference Ord. No. 581-22.)

A fee will be collected to connect to the collection system as defined in the Appendix Fee Schedule for section 4.5.7.

4.5.8 - SCHEDULE 2

An administrative fee will be collected for unreported connections and discharges as defined in the Appendix Fee Schedule 2.

4.5.9 - SCHEDULE 3

A fee will be collected for issuing a permit to connect and inspect a sewer lateral and issuing a permit to install and inspect a wye saddle as defined in the Appendix Fee Schedule. (Reference Ord. No. 546-13.)

4.5.10 – Periodic Adjustment. The sewer connection fees in Administrative Code Appendix section 4.5.7 shall automatically be adjusted on January 1st of each year by a percentage equal to the change in construction costs since the prior fiscal year based upon Engineering News Record (or similar publication) construction cost index. (Reference Ord. No. 585.22.)

4.5.11 - SCHEDULE 5

A fee may be charged for re-inspection of condemned work as defined in the Appendix Fee Schedule.

4.5.12 - SCHEDULE 6

The annual sewer service charges are defined in the Appendix Fee Schedule

4.5.13 – SCHEDULE 7

An administrative fee will be collected for the extension of a sewer permit, pursuant to section 4.2.10. See Appendix Fee Schedule.

4.5.14 – SCHEDULE 8

An administrative fee will be collected for each transfer of excess sewer unit(s), pursuant to section 4.8.14. See Appendix Fee Schedule.

Section 4.6 Use of Public Sewers.

4.6.1 ***Sewer Required.*** The owner of any building situated within the District requiring sewage disposal is required, at the owner's expense, to connect said building directly with the proper public sewer in accordance with the provisions of this Section 4, within ninety (90) days after receipt of notice by the agency with authority to do so, unless, due to extraordinary circumstances, special permission is granted to owner.

4.6.2 ***Unlawful Deposit.*** Except as provided in this Section 4.6, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

4.6.3 ***Occupancy Prohibited.*** No building, industrial facility or other structure requiring sewage disposal shall remain occupied until the Owner of the property has complied with all rules and regulations of the District.

4.6.4 ***Application for Sewer Permit.*** Prior to connecting with the public sewer, the owner of the property to be provided sewer service by the District shall apply for a sewer permit on a form approved and provided by the District.

4.6.5 ***Abandonment of Private Facilities.*** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 4.6.1, a direct connection shall be made to the public sewer in compliance with the Ordinances, rules and regulations of District, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the District Inspector.

4.6.6 ***Duty of Sewer Service User to Report.*** It shall be the duty of each owner of property connected to the District sewer system to report to the District all facilities discharging waste into the District sewer. As to any facilities which are not so reported, they shall be deemed to have been connected to the District sewer from the date, as determined by the District, that the property was first connected to the District sewer.

4.6.7 ***Unreported Connections and Discharges.*** (Reference Ord. 525-10, Effective 11/18/10)

Upon discovery of the unreported connections and discharges to the District sewer system, the District shall charge all current charges and fees, including all current connection charges, plus a ten percent (10%) basic penalty, up to three (3) years back charges for current sewer service fees, a ten percent (10%) penalty on such back

charges, and the current administrative fee for unreported connections and discharges. (Refer to Schedule No. 2, Section 4.5.8.) The owner of said property may, at his option, abate the unreported connection(s) immediately or pay all of the above charges and fees. If the owner elects to abate the unreported connection(s), the District may only charge up to three (3) years back charge for current sewer service fees. If the owner can demonstrate sufficient proof to the District Customer Service Manager or authorized representative that the unreported sewer connection(s) existed prior to the purchase of such property by owner, then the District shall not impose any sewer connection fee, back charges, administrative fees or penalties as to the unreported sewer connection(s). As to the unreported connection, the District will charge the appropriate annual service charge beginning with the day the District discovered the unreported sewer connection(s). (Refer to Schedule No. 6, Section 4.5.12.) If the owner fails to complete any of the above options, all charges and fees shall be deemed charges for the purposes of collection and enforcement, and the property shall be subject to disconnection procedures for delinquent charges as provided in Section 6.6.

4.6.8 ***Disposal of Wastes***. It shall be unlawful for any person to place, deposit, or permit to be deposited upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage, chemical, or other objectionable waste.

4.6.9 ***Drainage into Public Sewers Prohibited.*** No leaders from roofs and no surface drains for rain water shall be connected to any District sewer. No surface or sub-surface drainage or rain water, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any public sewer by any device or method whatsoever.

4.6.10 ***Treatment of Wastes Required.*** It shall be unlawful to discharge into any stream or watercourse any sewage, industrial wastes, or other polluted waters, as provided by the Water Quality Control Plan for the Lahontan Region, North and South Basins, the Porter-Cologne Water Quality Act, and the provisions of this Section 4.

4.6.11 ***Types of Waste Prohibited.*** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

a) Any liquid or vapor having a temperature higher than 150º F.
b) Any water or waste which contains more than two hundred fifty (250) parts per million, by weight, of fat, oil, or grease.
c) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
d) Any garbage that has not been properly shredded. Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in dimension.
e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures or equipment of the sewer system or personnel of the District.
g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
h) Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
j) Any septic tank sludge.
k) Any industrial wastewater that is in violation of applicable industrial general pre-treatment regulation for existing and new sources of pollution as set forth in 40 CFR, part 403, adopted by the Environmental Protection Agency under authorization of the 1977 Amendments to the Clean Water Act, and the industrial wastewater pre-treatment program and rules and regulations of the District. In the event of a violation to this Section 4.6.11, the entire costs which may be incurred by the District for abating, enforcing, administering, and monitoring compliance will be the sole responsibility of the owner/discharger.

4.6.12 ***Preliminary Treatment of Wastes.*** Prior to the admission into the District's sewers of any waters or wastes having a) a 5-day Biochemical Oxygen Demand greater than three hundred (300) milligrams per liter (mg/l) by weight, or b) objectionable characteristics or constituents not within the maximum limits provided for in Section 4.6.11, or c) excess quantities and rates of discharge, the District may require preliminary treatment of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District and no construction of such facilities shall be commenced until said approval is obtained in writing.

4.6.13 ***Grease Interceptors/Traps Required.*** Grease, oil, and sand interceptors/traps shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used exclusively for residential purposes. All interceptors/traps shall be of a type and capacity approved by the District and shall be located as to be readily and easily accessible for cleaning and inspection. Sizing of grease interceptors/traps shall be in accordance with current District policy.

4.6.14 ***Special Agreements.*** No statement contained in this Section 4.6 shall be construed as preventing any special agreement or arrangement between the District and any owner and/or applicant whereby waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the owner and/or applicant and subject to such terms and conditions as may be required by the District. Prior to the discharge of any such waste into the District sewer system, the owner and/or applicant shall enter into an agreement with the District in such form as approved by the District which agreement shall constitute a special permit to discharge such waste into the District sewer system. The agreement may provide as follows:

a) *Discharge Requirements.* The agreement may limit the maximum concentration of contaminants, chemicals or other materials contained in any waste to be discharged into the District's sewer system. Such limits shall be determined by the District in its sole discretion, and may be modified by the District at any time.

b) *Proposed Discharge and Treatment.* The agreement may require the owner and/or applicant to submit information and perform analyses regarding the volume, composition and proposed treatment of the waste to be discharged into the District's sewer system and any other information concerning such discharge as may be requested by the District in its sole discretion. The District shall evaluate such information

and, based upon its evaluation, determine whether the owner and/or applicant should be permitted to connect to and discharge such waste into the District's sewer system.

c) *Connections, Inspections and Sampling.* The agreement may restrict the locations of any connections to the District's sewer system through which such discharges will occur. The District may, in its sole discretion, inspect and approve any such connections. The District shall have the right to inspect treatment systems and connection facilities, collect discharge samples and provide for the testing of any such samples in order to verify compliance with the terms of the agreement and any other requirements of the special permit.

d) *Fees, Costs and Expense**s.*** The agreement may establish fees, as determined by the District in its sole discretion, for the issuance of the special permit. The agreement may require the owner and/or applicant to pay all costs and expenses incurred by the District in reviewing the application, inspecting discharge connections, sampling and testing discharges and issuing the special permit. Such fees, costs and expenses shall be paid prior to execution of the agreement and issuance of the special permit. All fees, costs and expenses incurred after execution of the agreement and issuance of the special permit shall constitute a sewer service charge that shall be billed and payable in accordance with Section 6 of this Administrative Code.

4.6.15 ***Protection from Damage.*** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, improvements, appurtenance or equipment which is a part of the District's sewer system. Any person violating this provision shall be subject to the penalties provided by law.

4.6.16 ***Construction or Location of Improvements.*** Except as expressly reserved or permitted in any grant of easement or judgment in eminent domain, it shall be unlawful for any person to construct or locate improvements of any kind or type in, on or over the surface of any easement owned or acquired by the District.

Section 4.7 Maintenance and Repair of Sewers.

4.7.1 ***Measurements and Tests.*** All measurements, tests and analyses of the waters and wastes to which reference is made in Sections 4.6.10 and 4.6.11 shall be determined upon suitable samples taken at the control manhole provided for in Section 4.3.4. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the District sewer from the point at which the sewer lateral is connected.

4.7.2. *Maintenance of Sewer Laterals*. Sewer laterals shall be maintained by the Owner, as defined in the District's Administrative Code, of the property served thereby. Where no Homeowners Association exists for a Common Interest Development, the maintenance of the sewer lateral is the joint and several responsibility of the owners of the property served thereby.

4.7.3 *Maintenance of Pretreatment Facilities*. Where preliminary treatment facilities are provided for any waters or wastes, they shall be continuously maintained by the Owner, as defined in the District's Administrative Code, in the efficient operation, at such Owner's expense. Where no Homeowners Association exists for a Common Interest Development, the maintenance of preliminary treatment facilities is the joint and several responsibility of the owners of the property served thereby.

4.7.4 *Maintenance of Grease Interceptors/Traps.* All grease, oil and sand interceptors/traps shall be continuously maintained by the owner in efficient operation, at such owner's expense.

4.7.5 *Procedures for Handling Stoppages.* Whenever the District discovers or is notified of a stoppage or spill, the District shall dispatch a maintenance crew to the location. The maintenance crew shall check the main line at the location to determine if there is a stoppage in the main line. If a stoppage is discovered in the main line, the District will proceed to clear the stoppage. If a stoppage is not found in the main line but is found in the portion of the sewer lateral between the main line and the foundation of any wall, the owner shall be notified that the clearing of the stoppage or clean-up of the spill shall be the responsibility of the owner. If the stoppage is proven to be caused by faulty pipe installation or faulty pipe of the sewer lateral line between the main line and the nearer property line, the District will pay for the repairs.

4.7.6 *Emergency Repairs by District.* Whenever, in the judgment of the District Inspector, immediate repairs, clean up, or other activities must be performed to a sewer lateral in order to preserve public health or to prevent damage or injury to the District sewer, the District Inspector may, without notice to the property owner, cause such repairs, clean up or other activities to be performed and may contract with a private contractor for such purposes or may perform such repairs, clean up or other activities with District personnel.

4.7.7 *Reimbursement of District.* The property owner serviced by a sewer lateral shall reimburse the District for the costs of all repairs, clean up or other activities, made or contracted for by the District pursuant to Section 4.7.6. Such charges shall be billed to the property owner and shall be deemed delinquent thirty (30) days after mailing an invoice for such charges to the property owner and may be collected under

the provisions of Section 6.4.

Section 4.8 Sewer Capacity.

4.8.1 ***Schedule of Sewer Units***. The schedule of sewer units, as established in Section 4.5.6, shall be applicable to this Section 4.8.

4.8.2 ***Current Equity.*** The present estimated capacity within the District's service area is Eighty-Six Thousand Seven Hundred Two (86,702) sewer units. The present sewer fund equity, after deduction for accumulated depreciation of the fixed assets of the District, is approximately One Hundred Eleven Million Seven Hundred Thirteen Thousand Eighty-One Dollars ($111,713,081), which is approximately One Thousand Two Hundred Eighty-Eight Dollars ($1,288) per sewer unit.

4.8.3 ***Rate Relief for Excess Sewer Units.*** On a form provided by the District, the owner of a parcel with Excess Sewer Units may apply to the District to participate in the Excess Sewer Capacity Program for the relief of service charges for Excess Sewer Units. The applicant requesting such rate relief shall allow the District full and adequate inspection of the parcel, including any improvements, and the sewer lines and related connection to enable the District to determine if the parcel has any Excess Sewer Units. The applicant may be required to test or remove underground piping, draining lines or the sewer lateral for verification of the sewer capacity required on the parcel and that all fixtures on the parcel are low water-use fixtures. Upon a property owner's application to the District for participation in the Excess Sewer Capacity Program, the billing of sewer service charges will be suspended on any Excess Sewer Units until such time as they are transferred, pursuant to Administrative Code Section 4.8.14, or put into use on the same parcel. The adjusted service charge, reflecting the suspension of charges on any Excess Sewer Units, shall be effective for the first complete billing cycle after the date of the District's approval of the application and verification of any Excess Sewer Units on the same parcel. A property owner with verified Excess Sewer Capacity will receive a credit for any service charges associated with the verified Excess Sewer Capacity in an amount equal to any suspended sewer service charges for Excess Sewer Capacity. Excess Sewer Units may be transferred to another parcel, pursuant to Administrative Code Section 4.8.14, or may be later used on the same parcel. The owner of a parcel with Excess Sewer Units may acquire sewer capacity, in addition to those units but only in the same manner, with the same priority, and subject to payment of the same fees, as any other parcel which might need to obtain additional sewer capacity, and only if the District has available sewer capacity at the time the owner requests the additional sewer service. (Reference Ord. 584-22)

4.8.4 *Authority*. No sewer capacity shall be issued which does not comply with the criteria set forth in this Section 4.8 or which would violate any law, including any order or judgment of a court of competent jurisdiction or the orders of competent governmental authorities, including the waste discharge orders of the California Regional Water Quality Control Board - Lahontan Region.

4.8.5 *Inspection.* Inspection of existing or new sewer piping, as provided in Section 4.4.10, may be required.

4.8.6 *Existing Demand*. When available estimates indicate that existing sewer capacity demand will exceed the sewer capacity available for issuance at the rate established by this Section 4.8, no further Change in Use sewer capacity shall be issued except upon action of the Board.

Notwithstanding any of the provisions of this Section 4.8.7, the issuance of Change in Use sewer capacity shall be limited as provided in Sections 4.8.8, 4.8.9 and 4.8.16.

4.8.7 *Application*. Application for Change in Use sewer capacity shall be made on a form provided by the District and shall include complete plans and specifications for the contemplated work of improvement for which such sewer capacity is desired. The application shall not be deemed complete or received by the District unless and until it is accompanied by such plans and specifications.

4.8.9 *Attributes.* Attributes existing on developed property have been treated as additional, subordinate rights or privileges of that property and, depending upon whether such attributes were lawfully created, were permitted to continue. Such attributes include coverage, square footage within structures, uses, and utility services, including sewer capacity rights and water demand.

4.8.10 *Transfer of Attributes.* The Tahoe Regional Planning Agency, the City, and the County permit certain transfers of various attributes and the right to attributes from one property to another in accordance with the Amended Regional Plan for the Lake Tahoe Basin, including the “Growth Management Provisions” of its Code of Ordinances and local government codes.

4.8.11 *Transfer of Sewer Capacity.* Sewer capacity rights are and have been appurtenant to and inseparable from property. In order to accommodate the transfer programs of the Tahoe Regional Planning Agency, the City, and the County, the District has adopted rules and regulations from time to time regarding proposed transfer of the

right to discharge into the collection, treatment, and export facilities of the District.

4.8.12 ***Transfer of Equity.*** District's existing customers have an equity credit equal to One Thousand Two Hundred Eighty-Eight dollars ($1,288.00) per sewer unit which may be used toward the current connection fees when transferring capacity rights.

4.8.13 ***Costs of Transferring Sewer Capacity.*** It is necessary and appropriate that the cost of transferring sewer capacity rights be paid by those who request such transfers to occur.

4.8.14 ***Conditions to Transfer.*** (Reference Ord. No. 578-20.) Transfer of Excess Sewer Units shall be allowed only: (1) for the development of Affordable Housing and no sewer permit shall be issued for development of Affordable Housing on a Primary Parcel when Excess Sewer Units are transferred from a Secondary Parcel; and (2) from a Secondary Parcel to a Primary Parcel provided both parcels are owned by the same Public Agency. The transfer of Excess Sewer Units is subject to compliance with all of the following conditions:

a) *Conformance with General Plan.* The use of the primary property shall conform to the applicable City or County General Plan.
b) *Approvals.* The applicant for a sewer permit for the Primary Parcel shall secure all approvals for the Affordable Housing development as required by the City or County, the Tahoe Regional Planning Agency and the State of California.
c) *Sewer Permit.* The owner of the Primary Parcel shall submit a completed Sewer Permit Application to the District.
d) *Transfer Application.* The owner of the Secondary Parcel shall submit a completed Transfer of Sewer Capacity Rights Application to the District.
e) *Payments of Fees and Taxes.* All existing unpaid District fees and charges shall be paid for the Primary and Secondary Parcels.
f) *Satisfaction of Liens.* All liens upon the Secondary Parcel shall be satisfied, or in the alternative, written concurrence shall be obtained from any lienholder, which written concurrence shall save the District free and harmless from any and all claims arising out of the transfer of Excess Sewer Units from the Secondary Parcel in a form acceptable to the District.
g) *Transfer of All Excess Sewer Units*. When all Sewer Units are transferred from the Secondary Parcel, the following conditions shall

apply:

1) *Removal of Sewer Lateral.* The lateral sewer connection(s) of the Secondary Parcel shall be removed, plugged, and sealed by the District at the District's expense. If the owner of the Secondary Parcel subsequently purchases Sewer Units for the use on the Secondary Parcel, a new sewer lateral must be installed in a manner satisfactory to the District at the owner's expense. Physical inspection of the sewer lateral shall be made by the District.
2) *Disconnection of Water Utilities.* All Water service utilities for the Secondary Parcel shall be capped and disconnected from the District Water System to the satisfaction of the District. Physical inspection of the property capped water connection(s) shall be made by the District.

j) *Remaining Use on Secondary Parcel.* Any use which remains on the Secondary Parcel shall have sufficient Sewer Units to accommodate such use as determined by the District. Physical inspection of the remaining use on the Secondary Parcel shall be made by the District.

k) *District Approval.* The Board authorizes the General Manager of his/her designee to approve the transfer the Excess Sewer Units from the Secondary Parcel to the Primary Parcel and issuance of a Sewer Permit for the Primary Parcel upon satisfaction of all of the above conditions.

4.8.15 *Additional Procedures*. The District's Board may from time to time adopt, by Board action, additional procedures relating to the issuance of sewer capacity.

SECTION 5 - DELETED (Reference Ord. No. 576-19.)

SECTION 6 BILLINGS, PAYMENTS, COLLECTION AND ENFORCEMENT

Section

6.1 Billing for Water, Sewer, Special, and Charges.

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6.1.2 Billing of Water Service Charges.

6.1.3 Billing of Sewer Service Charges.

6.1.4 Billing of Special Service Charges.

6.1.5 DELETED (Reference Ord. No. 576-19.)

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Section 6.1 Billing for Water, Sewer, Special, and Charges.

6.1.1 ***Billings.*** The District shall bill and receive payments for water, sewer, and special services. The billing periods may be annual, semi-annual, quarterly, or monthly, as determined by the District.

6.1.2 ***Billing of Water Service Charges.*** Water Service charges, as provided in Sections 3.1.23 through 3.1.55, inclusive, shall be billed as follows:

a) *General.* Except, as otherwise provided in this Section 6.1.2, water service customers on a flat rate shall be billed in arrears for each billing period. Water service customers on a metered rate shall be billed in arrears for the consumption and base charge portions for each billing period. On occasions where access is not possible for the District to read a water meter, the District shall estimate consumption. Estimated consumption shall be verified during a subsequent meter reading period and any shortfall of consumption or overestimate of consumption shall be reconciled in a subsequent bill. (Reference Ord. No. 583-22.)

b) *Water Connection Fees.* Water connection fees, as provided in Sections 3.1.24 and 3.1.48 of this Administrative Code, shall be billed upon the applicant's connection to the District's water system, or at such earlier time as determined by the District.

c) *Fire Hydrant Permit Fee.* The fire hydrant permit fee as provided in Sections 3.1.45 and 3.1.55 of this Administrative Code, shall be billed upon the District's approval of the application for such permit, or at such earlier time as determined by the District.

6.1.3 ***Billing of Sewer Service Charges.*** Sewer service charges, as provided in Sections 4.5.1 through 4.5.12, inclusive, shall be billed as follows:

a) Except as provided in this Section 6.1.3, sewer service charges shall be billed in arrears for the billing period, as determined by the District. (Reference Ord. No. 583-22.)

b) The connection charges, installation and inspection charges provided by Sections 4.5.2, 4.5.7, 4.5.9 and 4.5.10 of this Administrative Code shall be billed at the time of the connection, installation or inspection, or at such earlier time as determined by the District.

c) The engineering, inspection and other costs as provided in Section 4.5.3(a) of this Administrative Code shall be billed at such time prior to the issuance of a sewer permit, as determined by the District.

6.1.4 ***Billing of Special Service Charges.*** Special service charges, as provided in Sections 4.6.14 through 4.6.16, inclusive, shall be billed as follows:

a) Special service charges shall be billed for the billing period, as determined by the District.

b) The application review, inspection, sampling and testing and all other costs as provided in Section 4.6.14(d) of this Administrative Code shall be billed and payable at such time prior to the issuance of a special discharge permit, as determined by the District.

6.1.5 ***DELETED.***

6.1.6 ***Billing of Special Charges, Interest and Penalties.*** The penalties, interest, disconnection and reconnection costs and other fees and costs as provided in Section 6.3 of this Administrative Code may be billed at the time such penalties, interests, disconnection and reconnection costs and other fees and costs are incurred or accrue, or upon the next billing period, as determined by the District.

6.1.7 ***Water, Sewer, and Special Service Charges Billed and Collected Together or Separately***. Where the District provides more than one service to the property, water, sewer, and special service charges may be billed upon the same bill and collected together or billed on different bills and collected separately.

6.1.8 ***Notification***. Except as provided in this Section 6, notification and billing shall be sent to the Owner, as defined in the District's Administrative Code, furnished water, sewer and special services at the address of the Owner shown on the last equalized assessment roll of El Dorado County, unless the Owner notifies the District of a different address. Where no Homeowners Association exists for a Common Interest Development, all notifications will be sent to each of the owners of the property served thereby.

6.1.9 ***Low-Income Customer Assistance Program.*** The District offers a Low-Income Customer Assistance Program for qualifying residential customers. The Property must be owner or full-time tenant occupied. Program specifications are as follows (Reference Ordinance No. 571-19 Effective May 18, 2019):

a) Eligibility is based upon current participation in the Liberty Utilities Care Program.
b) The amount of the rebate is 25% of the standard residential water and/or sewer rate.
c) The Program may apply to rental properties if the tenant can demonstrate, through a rental or lease agreement, that they are financially responsible for paying the water, and or sewer bill.
d) The Program is subject to annual renewal and may require additional proof of eligibility.
e) The District, at its discretion, may remove the applicant from the program if it has reason to believe the applicant is no longer eligible or does not meet Program requirements.

Section 6.2 Payment of Water, Sewer, and Special Charges.

6.2.1 *Responsibility for Payment*. Payment for all water, sewer, and special service charges shall be the responsibility of the following:

a) Applicant. The person applying for service; and
b) Owner. In the event of delinquency, the Owner, as defined in the District's Administrative Code, whether or not the Owner is also the applicant. Where no Homeowners Association exists for a Common Interest Development, all service charge payments are the joint and several responsibility of the owners of the property served thereby.

6.2.2 *Place of Payment.* Payment of all service charges shall be delivered to the District Office, Customer Service Department, 1275 Meadow Crest Drive, South Lake Tahoe, California, or by first class mail addressed to South Tahoe Public Utility District, 1275 Meadow Crest Drive, South Lake Tahoe, California, 96150 The applicant shall be responsible for timely delivery and District receipt of all payments.

6.2.3 *Payments after Notice of Disconnection.* After notification of disconnection is given by the District pursuant to Section 6.6, only a cashier's check, money order or cash will be accepted by the District as payment of service charges prior to disconnection of service or services.

6.2.4 *Designation and Application of Payments.* Payment may be made on a particular component charge of a bill for which more than one service charge is billed, pursuant to Section 6.1.6 if the person paying such charge directs the District in writing. If no direction is made by the person paying only a portion of a bill as to the application of the partial payment, then payment shall be credited proportionately to each component of the total bill. If payment is made upon a bill which includes delinquent

charges, penalties and interest, as well as current charges, the payment shall be applied in the following order: penalties, interest, delinquent charges and current charges. The Owner or applicant may make a written dispute concerning any or all of a bill for service charges, and the District shall keep a record of all such disputes.

6.2.5 ***Delinquency.*** Bills shall identify the due date when payment must be received by the District. If any bill is not paid at or before the due date, the charges on the bill shall be delinquent. If a payment is made on a particular component of the bill for service charges prior to the due date, the charges for that particular component of the bill paid shall not be delinquent.

6.2.6 ***Acceptable Forms of Payment.*** The payment for District services shall be paid in legal tender of the United States of America. Cash, checks, and electronic payments from MasterCard, Visa, Discover Card, debit card, or bank account are acceptable forms of payment. Payments must be payable to the South Tahoe Public Utility District. The District has the right to refuse any payment tendered in coin. (Reference Ordinance No. 564-15 Effective December 19, 2015)

Section 6.3 Penalties and Interest, Disconnect and Reconnect Charges on Delinquent Water, Sewer, Special and Charges.

6.3.1 ***Delinquent Penalty.*** A penalty of ten percent (10%) of the delinquent service charges shall become due and payable on each delinquent service charge. Penalties may, at the discretion of the District, be waived according to Board policy.

6.3.2 ***Additional Charges for Payments Made by Checks Returned Unpaid.*** Charges for any service provided in this Section 6 shall be subject to an additional charge as determined by the District for each payment by check which is dishonored for any reason.

6.3.3 ***Interest Charges.*** Interest at the rate of six percent (6%) per annum shall become due and payable on delinquent service charges, penalties, and interest for each subsequent billing period for which the service charges, penalties and interest remain unpaid.

6.3.4 ***Liability for Violations.*** Any person violating any of the provisions of the Ordinances, rules, or regulation of the District shall be liable to the District for any expense, loss or damage incurred by the District by reason of such violation and for abating, enforcing, administering and monitoring compliance with the Ordinances, rules, or regulations of the District. Such expense, loss or damage shall be deemed a service

charge pursuant to this Section 6.3.

6.3.5 ***Disconnection and Reconnection Charges***. Property as to which water, and/or sewer service and/or special service charges become delinquent and are disconnected shall not be reconnected until all the following charges have been paid to District.

a) *Estimated Cost*. The District shall estimate the cost of disconnection and of reconnection, including all direct and indirect costs.

b) *Deposit of Estimated Cost*. The estimated cost shall be deposited with the District in the form of cash, money order, or cashier's check before the property is reconnected.

c) *Actual Cost*. The District shall determine the actual cost of disconnection and reconnection. The actual cost of disconnection and reconnection in excess of the estimated cost deposit shall constitute a service charge and be added to the next billing. The amount of the estimated cost deposit in excess of the actual costs, if any, shall be credited against future required deposits, charges, penalties and interest, or refunded if requested by the Owner.

d) *Utility Deposits for Disconnected Commercial Services.* Whenever commercial water and/or commercial sewer service charges become delinquent and are disconnected, the District may also require payment of a utility deposit before services are reconnected. The District may retain such utility deposit in an amount equal to one-fourth (1/4) the owner's annual water, sewer, and special service charges, as applicable. All utility deposits collected and retained by the District for commercial water, sewer, and special services shall be held as one deposit. The utility deposit ***shall be held for thirty-six (36) months*** or until termination of service, whichever is earlier, and then applied to the owner's service charges, or at the request of Owner, refunded, including interest accrued, in accordance with the District's Water and Sewer Connection Fee Refund Policy, if the account is paid in full. Any unapplied portion of the utility deposit shall be refunded at the termination of service.

6.3.6 ***Fees and Costs as Additional Charge.*** If any legal proceeding is brought by the District to collect service charges, including an action for declaratory relief, a preliminary or permanent injunction or any collection and enforcement action provided in Section 6.4 of this Administrative Code, the District shall be entitled to recover reasonable attorneys' fees, costs and expenses which may be incurred by the District in pursuing such legal action. Such attorneys' fees, costs and expenses shall be deemed a service charge pursuant to this Section 6.3.

6.3.7 ***Finding of the Board.*** The Board finds that the estimated cost of collecting and administering delinquent service charges and losing the use of funds approximate the penalties, interest, liabilities and disconnection and reconnection charges provided in Sections 6.3.1 through 6.3.5, inclusive.

Section 6.4 Collection and Enforcement of Water, Sewer, Special, Rates and Charges.

6.4.1 ***Collection of Delinquent Service Charges.*** The District may, at the District's option, undertake any of the following methods to collect delinquent service charges.

6.4.2 ***Remedies are Cumulative.*** No remedy for collecting and enforcing service charges in this Section 6.4 shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies in this Section 6.4 and with all other remedies at law or in equity and may be used alternatively, or in any combination.

6.4.3 ***Public Utilities Code Lien Against Specific Property.*** Delinquent service charges may be added to and become part of the annual assessment levied upon the property to which water, sewer, or special service(s) was provided by the District pursuant to Article 3, Chapter 4, Division 7, of the Public Utilities Code of California and become a lien upon said property.

6.4.4 ***Government Code Lien Against Specific Property.*** Delinquent service charges, when recorded as provided in Article 2, Chapter 6, Part 1, Division 2, Title 5 of the Government Code of California, shall constitute a lien upon the property served and such lien shall continue until the charges and fees and costs are fully paid or the property sold in the manner provided in Sections 54354, 54354.5, and 54355 of the Government Code of California.

6.4.5 ***Tax Assessor Levy.*** Delinquent service charges may be collected by the county in the same manner and at the same time, together with the general taxes levied in the county in which the property is located pursuant to Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code of California and Article 8, Chapter 4, Division 7 of the Public Utilities Code of California, or any successor provisions.

6.4.6 ***Civil Action.*** Delinquent service charges, fees and costs may be collected by any action in a court of competent jurisdiction against a person or persons

responsible for payment of the service charges.

6.4.7 ***Public Utilities Code Lien Against All Real Property.*** Delinquent service charges may become a lien upon any real property interest of the person or persons responsible for payment in each county in which the District records a certificate of the amount of service charges, fees and costs due pursuant to Section 16470 of the Public Utilities Code of California.

6.4.8 ***Judicial Enforcement of Lien.*** The District may bring an action in any court of competent jurisdiction to enforce any lien on real property for water, sewer, and/or special service charges, together with all fees and costs.

6.4.9 ***Preliminary or Permanent Injunction.*** Pursuant to Section 16472.5 of the Public Utilities Code of California, the District may file a petition with the Superior Court of competent jurisdiction for the issuance of a preliminary or permanent injunction, or both, or for the issuance of an order stopping or disconnecting water, sewer, and/or special service, if the service charges for such service, including all fees and costs, are delinquent.

6.4.10 ***Payment Agreements*****.** An authorized District representative may enter into an agreement on behalf of District permitting payment of the unpaid balance of delinquent water, sewer, and/or special service charges prior to any notice provided in Section 6.6.1(a). The agreement shall be on the terms, as determined in the District representative's sole discretion, but shall not exceed a period of twelve (12) months.

a) *Stay of Collection Actions***.** The District shall not engage in any collection activities, including disconnection of service and enforcement of liens, during the term of any such payment agreement, provided the payment agreement is not breached and the water, sewer, and special service charges in each subsequent billing period are timely paid, as provided in this Section 6.

b) *Breach of Payment Terms.* If there is a breach of any material term of the payment agreement, as reasonably determined by the District, the District may immediately initiate or resume any and all collection and enforcement activities and disconnection procedures.

6.4.11 ***Water Meter Error and Leak Adjustment Policy.*** (Reference Ord. No. 529-11.) Water meter errors and water leak adjustments shall be addressed pursuant to the District's Water Meter Error and Leak Adjustment Policy. The Water Meter Error and Leak Adjustment Policy adopted herewith by the District's Board and may only be modified through action taken by a majority vote of the District's Board. See Appendix Fee Schedule for fees.

Section 6.5 Violations and Enforcement.

6.5.1 ***Violation.*** Any person violating any provision of the Ordinances, rules, or regulations of the District regarding either water or sewer work or connection(s), shall be served with written notice by the District Inspector, or other authorized representative of the District, citing the violation and providing a reasonable time to correct the violation. The offending person or persons shall, within the time stated in such notice, correct all violations. All persons shall be strictly responsible for any and all acts of their agents, employees or independent contractors performed pursuant to the provisions of the Ordinances, rules or regulation of the District.

6.5.2. ***Correction Agreement.*** The District Inspector or other authorized representative of the District may enter into a correction agreement on behalf of the District permitting and providing for the correction of the violation prior to any notice provided in Section 6.5.5.(3) or Section 6.6.1(a). The agreement shall be on the terms, as determined in the District inspectors' or representative's sole discretions, but shall not exceed a period of the longer of six (6) months or that period of time until one month into the next building season.

a) Stay of Administrative Fines and Penalties and Disconnection. The District shall not impose any administrative fines and penalties or engage in any disconnection activities during the term of any such correction agreement, provided the terms of the correction agreement are not violated and no further provision of the Ordinances, rules or regulations of the District is violated.

b) Violation of Correction Agreement Terms**.** If there is a violation of any material term of the correction agreement, as reasonably determined by the District, the District may immediately initiate or resume any and all enforcement activities, including the imposition of administrative fines and penalties as provided in Section 6.5.5 or disconnection procedures as provided in Section 6.6, without notification.

6.5.3 ***Disconnection for Violation of Provisions of Code, Rule or Regulation.*** As a method of enforcing the provisions of the Ordinances, rules or regulations of the District, the District shall have the power to disconnect water, sewer, and/or special services. The District shall comply with the procedures provided in Section 6.6 regarding disconnection of service.

6.5.4 ***Public Hazard.*** In the event a violation of the Ordinances, rules or regulations of the District results in an imminent public hazard or menace, the General Manager, or the General Manager's designee, may enter upon the premises without

notice and take any action and incur costs and expenses as may be necessary to abate such hazard, including, but not limited to, disconnection of service. The actual costs or reasonable value of any action taken, and any costs and expenses shall be a service charge.

6.5.5 Administrative Fines and Penalties. Any Person who violates any of the District's Ordinances, rules, or regulations regarding either water or sewer work or connection(s) shall be subject to administrative fines and penalties pursuant to Government Code section 53069.4. Each day's continuance of a violation of an ordinance shall constitute a separate and additional violation.

1) Amount. The District may impose a fine or penalty not to exceed $100 for a first violation, $200 for a second violation of the same District Ordinance, rule, or regulation regarding either water or sewer work or connection(s) within one year, and $500 for each additional violation of the same District Ordinance, rule, or regulation regarding either water or sewer work or connection(s) within one year.
2) Continuing Violations. In the case of a continuing violation of the District's Ordinances, rules or regulations regarding water or sewer work or connection (s) that does not create an immediate danger to health or safety, the District shall first issue the party responsible for a continuing violation of the District's Ordinances, rules, or regulations regarding either water or sewer work or connection(s) a correction notice, pursuant to Section 6.5.1, providing a reasonable period of time, such period not to be less than 14 days, in which the responsible party may correct or otherwise remedy the continuing violation prior to the imposition of administrative fines or penalties.
3) Notice. The District shall notify the party responsible for a violation of the District's Ordinances, rules, or regulations regarding either water or sewer work or connection(s) (Responsible Party) that administrative fines and penalties are due. Such notice shall be in writing and shall be delivered by first-class mail addressed to the Responsible Party at the Responsible Party's last known address and posted on the property where the violation occurred. Notice of an administrative fine or penalty shall contain the following information:
    a) The date of the violation;
    b) The address or a definite description of the location where the violation occurred;

c) The District Ordinance, rule, or regulation regarding either water or sewer work or connection(s) violated and a description of the violation;
d) The amount of the fine for the violation;
e) A description of the fine or penalty payment process, including a description of the time within which and the place to which the fine or penalty shall be paid;
f) An order prohibiting the continuation or repeated occurrence of the violation described in the notice; and
g) A description of the administrative review process, including the time within which the administrative fine or penalty may be contested and the place from which a request for hearing form to contest the administrative fine or penalty may be obtained.

4) Payment. The fine or penalty shall be paid to the District within thirty (30) days after posting of the notice of violation. Any fine or penalty paid shall be refunded if it is determined, after a hearing, that the Person charged was not responsible for the violation or that there was no violation as charged.

5) Collection. Remedies for collecting and enforcing fines and penalties for violation of the District's Ordinances, rules, or regulations regarding either water or sewer work or connection(s) are cumulative and any and all may be used alternatively, and none of the remedies are exclusive. At its discretion, the District may employ the following mechanisms for the collection of fines and penalties:
   a) Fines and penalties imposed for violation of the District's Ordinances, rules, or regulations regarding either water or sewer work or connection(s) may be added to and become part of the annual assessment levied upon the land where the violation occurred if the Real Property is owned, controlled, or in the possession of the same Person who owned, controlled, or was in possession of it during the time the violation occurred, in accordance with California Public Utilities Code Section 16469. Fines and penalties added to an assessment are a lien on the land, in accordance with Public Utilities Code Section 16470.
   b) Fines and penalties imposed for violation of the District's Ordinances, rules, or regulations regarding either water or

sewer work or connection(s) may become a lien on the land where the violation occurred if the District records a certificate of the amount of fines and penalties due, pursuant to California Public Utilities Code Section 16472.1.

c) Fines and penalties may be collected in the same manner, by the same Persons, and at the same time together with the general taxes levied for the District, pursuant to California Public Utilities Code Section 16641 *et seq.*

d) Fines and penalties may be collected by an action in any court of competent jurisdiction against a Person or Persons who owned the Real Property where the violation occurred for the collection of all fines and penalties, pursuant to the provisions of the Public Utilities Code Section 16647.

6.5.6 Judicial Review. Any Person aggrieved by the District's final administrative decision to impose fines and penalties for violation of the District's Ordinances, rules, or regulations regarding either water or sewer work or connection(s) may obtain review of the administrative decision by filing an appeal to be heard by the appropriate court in El Dorado County in accordance with the timelines and provisions stated in California Government Code section 53069.4. Any Person aggrieved by the District's final administrative decision to issue fines and penalties may obtain review of the administrative decision by filing a petition for writ of mandate in the court in accordance with Government Code section 11523 and Code of Civil Procedure section 1094.5, *et seq.*

6.5.7 *Theft of Service and Tampering with District Facilities*.

(Reference Ordinance No. 572-19 Effective June 2, 2019)

Section 1. Violations.

a. For the purposes of this Ordinance, "water theft" means and includes all of the following:

1. The unauthorized use, diversion, receipt or taking of District water by any means from any fire hydrant, blow-off valve, water main, water service lateral or other District facility or connection to a District facility;

2. The use, diversion, receipt, or taking of District water by any means without paying the full and lawful District fees and charges for such water, or by tampering with District property or facilities; and,

3. For the purposes of this ordinance, "unauthorized use" includes the use of water from a stationary service connection where lawful water service has been discontinued or from a fire hydrant, regardless of whether payment is provided to the District for the water drawn from the fire hydrant, or any use of a fire hydrant meter in violation of the terms and conditions of a fire hydrant meter permit.

b. "Tampering" with District equipment or facilities is considered grounds for discontinuance of utility service. "Tampering" shall include, but not be limited to:

1. Opening valves at the Curb or meters that have been turned off by District personnel.

2. Breaking, picking, or damaging cut-off District locks.

3. Bypassing a water meter in any way.

4. Taking unmetered water from fire hydrants by anyone other than authorized officials of a recognized fire department, fire insurance company or District employee for any purpose other than firefighting, testing or flushing of fire hydrants.

5. Use of fire sprinkler system water service for any purpose other than fire protection.

6. Removing, disabling or adjusting water meter registers.

7. Connecting to or intentionally damaging water lines, valves or other appurtenances.

8. Moving the water meter or extending service without permission of the District.

9. Any intentional act of defacement, destruction or vandalism to District property or an act that affects District property.

10. Unauthorized use of a pump or device for removal of water from a ditch system.

11. Any intentional blockage or obstruction of District property.

c. Water theft and tampering are prohibited. Each act of water theft or tampering constitutes a misdemeanor.

d. If any person takes water from a fire hydrant without authorization or otherwise tampers with District property, the District may submit

a record of the vehicle license plate number or photo (if available) to El Dorado County Sheriff Department for investigation.

e. The District may report any water theft or tampering to the appropriate prosecuting agency and advocate for prosecution of such person pursuant to the Penal Code.

Section 2. Administrative Penalties. In addition to pursuing civil remedies and criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies or other remedies available at law or equity:

a. Require the immediate removal of any equipment, connections or tools used to accomplish the water theft that is attached to District property.

1. Charge the customer or other person an administrative fine and penalty pursuant to section 6.5.5 of the Administrative Code.

Section 3. Other Remedies. In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action. All remedies provided herein shall be cumulative and not exclusive. If a customer or any other person turns on water service without District authorization, tampers with any locked water meter, tampers with a service connection or District facilities, bypasses a meter, or otherwise makes an unauthorized connection to District facilities without District permission, or commits water theft, the District may:

a. Turn off the water service and install a lock;

b. Estimate, if necessary, the water taken and charge the customer, other persons or water recipient three times the normal rate of the water taken from the District facility;

c. Charge the customer, other person or water recipient for the damage to the District lock, meter or other property;

d. Remove the water meter and plug the service;

e. Terminate and remove the water service from its connection to the water main;

f. Charge a deposit of two times the amount of the average use to reestablish water service;

g. Require the return of any District fire hydrant meter; and,

h. Prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District fire

hydrant meter permit for a period of three (3) years from the date of the third violation.

Section 4. Notice.

a. A "Notice of Violation" will be mailed or delivered to the customer or other person for the following:

1. Evidence suggests the possibility of theft of service, including irrigation water, at the customer's property.

2. If the violation does not constitute an immediate threat of safety or equipment integrity to the system, the customer or other person will be ordered to immediately cease any unlawful practice.

b. A "Notice of Violation" will be mailed or delivered to the customer or other person after service is discontinued for the following:

1. In the opinion of the District's General Manager, water theft is clearly evident on the customer's property and immediate action is necessary.

2. In the opinion of the District's General Manager, there is an immediate danger to public health or safety.

Section 5. Payment and Appeal Procedures. The District shall calculate the amount of damages and penalty(ies) to be imposed, and shall send a bill to the customer, or if the person is not a customer of record, an invoice for payment of the damages or penalty(ies) may be sent to the offender, water user or recipient.

a. All costs relating to the District's processing and handling of the water theft, investigation and enforcement, and potential charges for reestablishment of service, including attorney's fees and costs, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is no customer of record, by the person, water user or recipient. These charges include, but are not limited to, service call charges, water charges, turnoff of service, charges for damage to District facilities and equipment, and plug or termination fees. Before the water meter will be replaced and service reestablished, the party requesting service, if in any way involved in or related to, or associated with, parties involved in the water theft, shall deposit twice the average bi-monthly water bill, plus the standard meter reinstallation fee, in addition to all service call charges, and an amount representing any damage to District property.

b. All charges relating to the District's processing and handling of the water theft involving the taking of water from a fire hydrant shall be

borne by the person, water user or recipient, including, but not limited to, the cost of any water, charges for any damage to District facilities and equipment, and costs of investigation and enforcement.

c. Any person who wishes to appeal the imposition of an administrative fine or penalty imposed by the District pursuant to this Ordinance, or who wishes to appeal the imposition of a three-year prohibition on a fire hydrant meter permit pursuant to Section 3(h), shall comply with the appeal procedures pursuant to section 6.7 of the Administrative Code.

Section 6.6 Disconnection Procedures.

6.6.1 ***Disconnection of Service.*** (Reference Ord. No. 536-11.) The District shall follow the following procedures for disconnection of service for violation of the Ordinances, rules or regulations of the District, and nonpayment of delinquent service charges.

a) ***Notice to District Customer of Record.*** The District shall not terminate water or sewer service unless it provides notice of the violation or delinquency and impending termination to the customer of record on the account, in accordance with this subsection. The District shall provide notice of the violation or delinquency and impending termination at least ten (10) days prior to the proposed termination by means of a notice sent by regular U.S. mail, postage prepaid, to the customer of record. Notice of the violation or delinquency and impending termination may not be sent any earlier than nineteen (19) days after the District's mailing of its water or sewer bill. The ten (10) day notice period shall not commence until five (5) days after the notice is mailed. Each notice of termination must contain the information set forth in Public Utilities Code section 16482.1, subdivision (d). The notice described above must be provided to the customer of record whether or not the customer of record occupies the property at which the violation has occurred or for which the account is delinquent.

In addition to providing written notice as described above, the District shall make a reasonable good faith effort to contact an adult person residing at the location of service, by telephone or personal contact, at least 48 hours prior to any termination of service. If telephone or personal contact cannot be accomplished, the District shall give, by

regular mail, in person, or by posting in a conspicuous location at the location of service, a notice of termination of service, at least 48 hours prior to the termination.

b) ***Prohibition of Disconnection of Service***. The District shall not disconnect water or sewer service:

(1) During the pendency of an investigation by the District of a Customer dispute or complaint;

(2) When a customer has been granted an extension of the period for payment of a bill; or

(3) For residential service, 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, pursuant to Public Utility Code section 16482.1(e), with respect to all charges that the customer is unable to pay prior to delinquency.

6.6.2 ***Disconnection for Delinquent Sewer Charges.*** If water service is furnished by the District to property that is also furnished sewer and/or special service and all or part of any billing related to sewer or special service charges is delinquent, the District may disconnect water, sewer, or special service, or any combination of services, or all such services to the property until all water, sewer, and special service charges are paid so that no service charges are delinquent.

6.6.3 ***Disconnection for Delinquent Water Service Charges.*** If sewer service is furnished by the District to property that is also furnished water and/or special service and all or part of any billing related to water or special service charges is delinquent, the District may disconnect sewer, water, or special service, or any combination of services, or all such services to the property until all water, sewer, and special service charges are paid so that no service charges are delinquent.

6.6.4 ***Disconnection for Delinquent Special Service Charges.*** If special service is furnished by the District to property that is also furnished water and/or sewer service and all or part of any billing related to water or sewer service is delinquent, the District may disconnect sewer, water, or special service, or any combination of services, or all such services to the property until all water, sewer, and special service charges are paid so that no service charges are delinquent.

6.6.5 ***Means of Enforcement Only.*** The District declares that the procedures of this Section 6 are established as a means of enforcing the terms and conditions of the Ordinances, rules, and regulations of the District, and not as a penalty.

6.6.6 ***Conditions for Reconnection.*** If water or sewer service is disconnected pursuant to the Ordinances, rules, and regulations of the District, the service shall not be reconnected until any and all violations are corrected, all delinquent service charges, all disconnection and reconnection charges as provided in Section 6.3.4 and all other applicable fees and costs, have been paid.

6.6.7 ***Abatement.*** During the period which water or sewer services, or both, are disconnected, habitation of the premises by human beings or continued operation of any commercial or industrial facility shall constitute a nuisance. The District shall notify the El Dorado County Health Department of any service disconnection. The Board may institute and prosecute to conclusion proceedings for the abatement of such occupancy. In any abatement action, reasonable attorneys' fees and costs, as fixed by the court, shall become due as an additional disconnection charge and no reconnection shall be made until all such charges are paid.

6.6.8 ***Complaint or Dispute Review.*** Upon receipt of a complaint following the posting of the notice required by Section 6.6.1, the District shall conduct a review or investigation, or both, of such complaint and may designate the Customer Service Manager or other authorized representative of the District to supervise the review and investigation. The review shall include consideration of whether a correction agreement to correct any violation or a payment agreement to amortize any unpaid charges should be permitted in lieu of the authorized disconnection.

6.6.9 ***Relief by Board.*** The Board may find, in its discretion, that any provision of the Ordinances, rules, and regulations of the District may be suspended or modified as applied to a property and may grant relief from that provision as applied to that property.

Section 6.7 Appeals.

6.7.1 ***Appeals.*** By filing a written appeal, in a form approved by the District, with the Clerk of the Board, within ten (10) days from the date of any decision made in accordance with the provisions of the Ordinances, rules and regulations of the District, any person may appeal such decision in accordance with this Section 6.7.

6.7.2 ***Committee Review.*** A request may be made to a committee, as determined by the General Manager or other authorized District representative, consistent with Board policy, consisting of two (2) members of the Board appointed by the Board President for an informal review. After reviewing the request, the committee shall provide the appellant with written notification of its recommendation concerning disconnection. The committee's recommendation will be reported to the Board at a duly called, regular, special or adjourned meetings of the Board. Based upon the committee's recommendation, the appellant may pursue or withdraw his or her appeal to the entire Board.

6.7.3 ***Board Review.*** Notwithstanding whether a request is made to a Board committee as provided in Section 6.6.9(a), an appeal may be made directly to the entire Board at a duly called, regular, special or adjourned meetings of the Board. After reviewing the appeal, including any recommendation by a Board committee, the Board may, in its discretion, affirm, reverse, or modify the decision and impose such conditions as it deems appropriate.

SECTION 7 – REPEALED (Ref. Ord. No. 580-22)

APPENDIX FEE SCHEDULE

Water Service Connections and Meter Charges

Effective January 1, 2023

3.1.49 (a)
3.1.49 (b)
3.1.49 (c)

Water Meter Size	Water Capacity Charge	Fire Capacity Charge
3/4-inch	$12,127.00	
1-inch	$20,212.00	$54.00
1-1/2-inch	$40,425.00	$156.00
2-inch	$64,679.00	$334.00
3-inch	$129,400.00	$969.00
4-inch	$202,124.00	$2,067.00
6-inch	$404,248.00	$6,007.00
8-inch	$646,793.00	$12,801.00
10-inch	$929,766.00	$23,021.00
12-inch	$1,364,332.00	
16-inch	$1,819,109.00	

3.1.49 (d) Administrative Costs: $150.00

3.1.49 (e) Periodic Adjustments: The capacity charges in sections 3.1.49(a) and (c) shall automatically be adjusted on January 1st of each year by a percentage equal to the change in construction costs since the prior fiscal year based upon Engineering News Record (or similar publication) construction cost index. (Reference Ord. No. 585-22.)

3.1.49 (f) Physical Connection: The applicant shall pay the District a $5000.00 deposit for the physical connection to the District's water system. If the actual time and material charges are less than $5000.00 deposit, then the customer will be refunded the difference. If the charges are greater than $5000.00 deposit, the customer will be billed the difference. (Reference Ord. No. 568-17.)

Water Rates
Effective July 1, 2023

Beginning with meter readings and/or billings calculated on or after **July 1, 2023,** the following water rates and charges will apply:

3.1.50 NON-METERED WATER RATES

Customer Class	Monthly Service Charge	Annual Service Charge
Single Family Dwelling	$69.70	$836.40
Duplex	$115.74	$1,388.88
Triplex	$157.24	$1,886.88
Fourplex	$203.43	$2,441.16
Each Additional Unit	$34.09	$409.08
Business ¾" Service	$100.92	$1,211.04
Business 1" Service	$152.24	$1,826.88

3.1.51 MONTHLY BILLING FOR CONSUMPTION

Monthly Consumption		
Consumption per 100 CCF	Tier 1 1-15 CCF	Tier 2 Above 15 CCF
Single Family	$1.88	$2.87
Multifamily	$1.87	$1.87
Commercial	$1.94	$1.94

3.1.51 METERED WATER RATES

Connection Size	Monthly Base Charge	Annual Base Charge
¾-inch	$54.97	$659.64
1-inch	$91.75	$1,101.00
1 ½ -inch	$183.00	$2,196.00
2-inch	$292.89	$3,514.68

3-inch	$549.55	$6,594.60
4-inch	$916.06	$10,992.72
6-inch	$1,831.51	$21,978.12
8-inch	$2,930.56	$35,166.72
10-inch	$4,213.11	$50,557.32

3.1.52 WATER SERVICE CALL CHARGES FOR CALLS DURING REGULAR WORK HOURS – The charge for each service call requested during regular working hours, as those hours are defined in this Administrative Code, shall be the greater of $75.00 or the total of the District's actual labor and equipment costs.

If a customer requests a service call to disconnect water service and subsequently requests a service call to reconnect water service at the same property within five business days of the initial call, there shall not be a charge for the subsequent service call.

If a Customer Service Valve is installed at the time of the service call, a total of $75.00 shall be waived. Proof of installation is required and shall be provided by the customer. (Reference Ord. No. 586-23.)

3.1.53 WATER SERVICE CALL CHARGES FOR SERVICE CALLS OUTSIDE REGULAR WORKING HOURS – The charge for each service call made outside of regular working hours, excluding holidays, shall be the greater of $190.00 or the total of the District's actual labor and equipment costs. The charge for each service call made on a legal holiday shall be the greater of $240.00 or the total of the District's actual labor and equipment costs. (Reference Ord. No. 586-23.)

3.1.54 FIRE HYDRANT PERMITS: $150.00

Sewer Service Connection Charges

Effective January 1, 2023

4.5.7

SEWER CONNECTION FEES	Capacity Fee
Residential Connection Fee	$4.56 per square foot
Residential Addition	$4.56 per square foot in excess of 500
Commercial Connection Fee	$831.00 per plumbing fixture unit
Restaurant Connection Fee	$1,039.00 per indoor seat 1-20
	$208.00 per indoor seat 21 and over
	$000.00 per outdoor seat 1-20
	$104.00 per outdoor seat 21 and over

4.5.8 Administrative Fees – Unreported Connection: $300.00

4.5.9 Permit Fee: $150.00

4.5.10 Reserved

4.5.11 Re-Inspection Fee: $150.00

SANITARY SEWER FEES AND RATES

Effective July 1, 2023

Rates

4.5.12

SEWER PERMIT EXTENSION	Permitting Fee
Three (3) years from time of permitting	$0.00
Annual extension of permit after three (3) years	$150.00

4.5.1

Description	Monthly Service Charge Per Sewer Unit	Annual Service Charge Per Sewer Unit
Single Family Dwelling	$17.53	$210.36
Multifamily Dwelling	$16.93	$203.16
Motels/Hotels/Timeshares	$16.64	$199.68
Trailer/Mobile Home Parks and Campgrounds	$16.62	$199.44
All Other Commercial Establishments	$17.53	$210.36

4.5.13 Sewer Permit Inspection: $150.00

4.5.14 Transfer of Sewer Units – Affordable Housing: $100.00

4.6.7

UNREPORTED SEWER UNITS	Fees
Capacity Fee	$4,159.00
Penalty on Connection Fees per Sewer Unit	10% of Capacity Fee
3 Year Back Service Charge Per Sewer Unit	$631.08
Penalty on Service Charges	10% of Service Charge Amount
Administrative Fees	$300.00

6.4.11 Meter Tests

Water Meter Size	Test Charge
All Meter Sizes	$150.00