

# **HORNBROOK COMMUNITY SERVICES DISTRICT**

## **WATER RULES & REGULATIONS**

Adopted:     DATE

Res. 2017-

Amended:    DATE

Res.

# TABLE OF CONTENTS TO BE INSERTED

## REGULATION NO. 1

### PURPOSE AND POLICY DEFINITIONS

#### 1.1 Purpose and Policy

These Water Rules and Regulations set uniform requirements for design, methods of construction, operation and maintenance of both public and private water supply, storage and distribution facilities and water service connections served by the water system of the Hornbrook Community Services District (hereinafter referred to as "District"). Uniform application of this ordinance to all customers served by the District water system shall enable the District to comply with the water quality requirements set by the Environmental Protection Agency (EPA) and the California State Water Resources Control Board, Drinking Water Division and such other state and/or national standards of performance which may apply. This Ordinance also provides for the setting of user charges and fees for the equitable distribution of cost to all users, and the issuance of permits to certain users.

#### 1.2 Definitions

**"Accessory Dwelling"** - A secondary dwelling with a floor space of 850 square feet or less which is located on a parcel which also has a primary residence.

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

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

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

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

**"Board"** - The Board of Directors of the Hornbrook Community Services District.

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

**"Capacity Charge"** - A charge required for the purpose of replacing the capacity of the District's facilities to be used by a project or a new service where such capacity has not been previously provided by a developer.

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

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

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

**"Commercial Water User"** - A water user who provides or distributes a product or service. Customers who conduct a business out of a residence, and who require water service for the operation of the business, may qualify as a commercial water user at the discretion of the District.

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

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

**"District"** - Hornbrook Community Services District, a County Water District organized under Division 12 (Sections 30000 et. seq.) of the Water Code. An action of the District may be taken by either its appropriate management staff or as approved by its Board of Directors.

**"Engineer"** - The consulting Engineer of the District.

**"Extension Facilities"** - Water supply, treatment, storage and distribution facilities of whatever type or nature which has as its purpose the improvement or expansion of existing District water service.

**"Final Approval"** - Written certification that the installed water facilities have complied with all District Regulations, has been delivered to the District as District property, and has been accepted by the District as evidenced by written correspondence from the District form dated and signed by the General Manager.

**"Finance Director"** – The Finance Director of the Hornbrook Community Services District.

**“General Manager”** – The General Manager of the Hornbrook Community Services District.

**"Industrial Water Service"** - Water that is provided to customers that manufacture or process materials as defined by the North American Industry Classification System.

**"Institutional Water User"** - A user dedicated to public service including schools, courts, churches, hospitals and government facilities.

**"ISO"** - Fire demand pipe size requirements as specified by the fire suppression rating schedule published by the Insurance Service Office, edition 6-80, or current edition.

**"Landowner"** - That person who possesses an interest in real property, greater than that of leasehold interest, in land located within the geographical boundaries of the District.

**"Meter"** - The mechanical equipment capable of measuring the quantity of water delivered to a designated parcel.

**"Minimum Monthly Charge"** - Also referred to as “Base Rate”; a monthly service charge for every account to which water service is provided and readily available through a connection to the District’s system, irrespective of actual water usage, to compensate the District for the cost of operating, maintaining and improving the water system in a ready to serve state.

**"Multi-Family Water User"** - A customer with a water meter which serves more than one single-family residence or dwelling unit, including apartments, mobile homes and accessory dwellings,

**"New Service"** - Refers to application for metered or non-metered water service to lands not previously served by the District.

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

**“Parcel Owner”** - The person or persons whose name or names appear on the Siskiyou County Tax Assessor’s latest equalized assessment roll as the owner of a parcel that is receiving utility service. The owner is responsible for the payment of all rates, charges, and fees, including penalties thereon regarding such furnished services.

**"Plan Approval"** - The issuance by the District of its approval of the applicant's final plans, as evidenced by date and authorized signature in box provided on said plans.

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

**“Residential Water Service”** - Water service provided to single-family residences.

**"Secretary"** - The Secretary of the Board of Directors of the Hornbrook Community Services District.

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

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

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

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

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

## **REGULATION NO. 2**

### **CONDITIONS OF SERVICE**

#### **2.1 Service Subject to Regulations**

Water service will be provided to areas served by the Hornbrook Community Services District in accordance with Rules and Regulations governing said service adopted and amended from time to time by the Board of Directors.

#### **2.2 Non-Liability of District**

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

#### **2.3 Service Interruption**

The District reserves the right at any and all times to shut off water delivery for the purpose of maintenance, making repairs, or alterations to the system. Reasonable effort will be made when feasible to give advance notice of interruption of service to all water users affected.

#### **2.4 Access to Facilities**

By applying for or receiving service from the District, each water user irrevocably licenses the District, and its authorized employees and agents, to enter upon the water user's property at reasonable times for the purpose of reading, inspecting, testing, checking, repairing, maintaining or replacing the District's meters, backflow prevention devices and other facilities.

#### **2.5 Water Users' Responsibility for Control of Water Delivered**

Title of water furnished by the District, and the risk of loss or damage resulting from its use, passes from the District to the water user at the outlet of a District valve, meter, backflow device, or double check valve assembly. Land owners retain total responsibility in instances of tenant occupancy of property. Landowner further warrants that water will be used for the purpose identified on the application for service and that water will be used in a reasonable manner consistent with all District Rules and Regulations. Water users are also responsible for all privately owned equipment, pumps, appliances, pipes, or other facilities connected to the public water supply on the discharge side of the water meter. Damage to private facilities resulting from water outages, volume or pressure variations or accumulations of line sediment, discoloration or scale formation will not be compensated by the District. It is the responsibility of the water user to protect private facilities by installation of switches, valves, sensors, or sediment traps or screens or other protective devices which may be required.

#### **2.6 District Responsibility for Facilities**

District facilities shall include only that portion of the system which the District acquires or constructs by action of the Board of Directors. The District's ownership of and responsibility for operation and maintenance of facilities shall end at the discharge side of water meters that are installed by the District, and at the underground fitting prior to the inlet side of fire sprinkler check valve assemblies. (See Regulation 11.02). District will be responsible to operate, maintain and replace District's water mains, pipelines and other works of the District-owned total supply, distribution and collection system. District works shall be under exclusive control and

management of duly appointed District personnel and no one shall have any right to interfere with the District system in any manner.

**2.7 Place of Use of Water: Resale Prohibited**

Except with the prior written authorization of the District, no user shall use, or permit the use of, any water furnished by the District on any premises other than specified in the user's application for service, nor shall any user resell any water furnished by the District. An individually metered water service shall be required for each separate single family residential or commercial building, as determined solely by the District. (See Regulation 7.01).

**2.8 Electric Grounds**

No electric circuit shall be grounded to the District's facilities or to any plumbing or metal in contiguity therewith. Any person who makes, or permits to be made such a connection, will be liable for damages to the District's facilities and for personal injury resulting therefrom.

**2.9 Water User's Compliance with Regulations**

By applying for or receiving water service from the District, each user covenants and agrees to be bound by and to comply with all regulations of the District from time-to-time in effect.

**2.10 Water Pressure**

**2.10.1 Minimum Pressure and Booster Pumps**

District will provide a minimum of 20 psig (pounds per square inch measured on a gauge) at the meter for each District user. User may, upon their own discretion, install a booster pump facility on the user side of the meter, however, all operation and maintenance shall be the responsibility of the user and the District assumes no liability for its use, condition, deterioration or damage. If the District determines that a new service will have a normal pressure of less than 20 psig at the meter, the customer will be required to sign an agreement that acknowledges such pressure prior to the District's approval of the application.

**2.10.2 Pressure Regulators Required**

All applicants for new or amended water service connections shall be required to install, at applicant's expense, an appropriately sized and located pressure regulating device. Said device shall be set and operated so as to allow a maximum of 60 pounds per square inch of water pressure at the most elevated or most remote point of usage on the private property facility. Said devices shall not be required where the pressure at the building would be reduced to less than 30 psi. The intent of this Regulation is to limit excessive and wasteful use of water as a result of high pressures at point of use.

## REGULATION NO. 3

### WATER SERVICE CHARGES AND RATES

#### 3.1 **Charge for Water Service**

A monthly charge for treated water service per meter size as established in Exhibit B.1 shall, irrespective of quantity used, be applied to all connections, except for master metered users..

##### 3.1.2 **Quantity Charge**

A usage charge, per hundred cubic feet, shall be applied to all connections for water delivered as determined in Exhibit B.1.1.

##### 3.1.3 **Bulk Usage from Fire Hydrant**

Where bulk water usage is required, i.e. for construction purposes, the District shall charge for metering and usage as specified in Exhibit B.5

##### 3.1.4 **Conservation Water Rate**

Single family residences may qualify for the Conservation Water Rate described herein. Where District residential water customers use an average of 200 cubic feet of water per month or less, a reduced base rate for metered water service is available as provided in Exhibit B.1.2. Customers that qualify for this rate are required to complete a Conservation Rate Application Form. Before this rate can be approved, the historical average of the customer's account will need to show that the average water usage per month has been 200 cubic feet or less during the most recent twelve (12) month period. The District shall periodically monitor all accounts approved for the Conservation Water Rate, and will reclassify accounts to the normal residential water rate category when water consumption exceeds the 200 cubic feet average per month usage for two consecutive billing periods or more. This rate is offered as an incentive to conserve water and is not applied automatically based on consumption history. The rate shall only apply from the date of approved application and shall not apply retroactively.

#### 3.2 **Monthly Service Charge for Privately Owned Fire Protection Systems**

A monthly charge shall be paid for fire service connections to the District's water distribution system which supplies water to privately owned and maintained sprinklers and fire hydrants used exclusively for firefighting, and based on the minimum service charge for a 3/4" meter as specified in Exhibit B.6. Bypass lines, including meters and backflow prevention devices shall be retrofitted at the customer's expense on all fire sprinkler backflow assemblies where such bypass lines do not already exist.

#### 3.3 **Miscellaneous Services Provided**

Miscellaneous services provided by the District to any person or agency shall be compensated on the basis of cost. The District may participate in joint projects or cooperative arrangements by which direct compensation is not required.

#### 3.4 **Request for Service Location, Temporary Shut Off or Turn On, Suspension of Service**

Each time the District is required to locate the customer's service connection or make a temporary



shut off or turn on, a service charge may be charged, in accordance with Exhibit B.7,. Water service shall be terminated between 8:00 a.m. and 3:00 p.m. on any business day (not a Saturday, Sunday or holiday) requested by the customer, provided that the request is received by the District not later than two business days prior to the date of termination. The customer will be responsible for the costs of all services furnished by the District prior to the suspension of his service. The District may allow a maximum six month suspension of monthly service charges for meters that have been shut-off at the request of the customer if all of the following conditions are met:

1. The service has been continuously utilized and maintained by the customer, and in an active billing status for at least one-year.
2. The request is the result of a catastrophic event such as fire where the structure is uninhabitable.

Upon written request of the property owner and written agreement with the General Manager, such suspension period may be extended on a case by case basis.

#### **3.04.1 Inactivation of Service**

A customer may, by written request, permanently inactivate service in the event of demolition or removal of all habitable structures on the property. Upon approval by the General Manager of the request for permanent inactivation of service, the General Manager shall order the removal or permanent decommissioning of the water service connection serving the property and shall discontinue all regular monthly fees and charges for water service, including surcharges. Once service is permanently inactivated on a property, such parcel shall be treated as if it were a vacant parcel and the District's connection fees and charges shall apply for any new service as detailed in Section 3.05 herein.

### **3.5 Connection Fees**

Charges for new services or change of service will be as follows:

#### **3.5.1 Capital Reserve Charge**

Every applicant for connection to the District's water system shall be required to pay a Capital Reserve Charge in addition to any other fee, cost, reimbursement or separate agreement entered with the District. The reserve fund so established shall be used to replace capacity and facilities used up by new applicants for service upon connection to the water system and to provide for the continuous capability to serve new applicants for water service. The Board shall establish the amount from time to time as required to provide the continuous capability of serving applicants for water service.

The Capital Reserve Charge shall be computed by reference to the user classification schedule on Exhibit A as applied at the sole discretion of the District. Charges for classifications not specifically listed in Exhibit A will be based upon the most similar classification listed, or upon usage records of a similar establishment as determined by the District Engineer. The Capital Reserve Charge for one equivalent single family residence is specified on Exhibit B.9.

#### **3.5.2 Meter**

- a. District charges for installation and setting of meter(s) shall consist of the District's actual cost as established on Exhibit B.10.

- b. Performance of accuracy tests on meters in accordance with Regulation 7.06 of this Ordinance shall incur a service charge as shown on Exhibit B.11.

### **3.5.3 Service Line Charge**

The applicant shall be responsible for the costs incurred by the District for the installation of service line(s) from the existing mainline to the applicant's property, including the cost to restore the road surfacing per county requirements. The applicant shall deposit with the District an amount equal to the District's estimate of such work. All costs in excess of the estimate shall be payable by the applicant upon completion of work. Such costs shall equal the District's actual cost of materials, installation, labor, equipment, encroachment permit and overhead rate. The applicant may have the service connection line constructed by others with prior written permission from the District. All such work shall be done by licensed California contractor approved by the District Engineer. All work shall be inspected and approved before acceptance by the District, and any construction completed or covered up before such inspection shall not be acceptable for connection with District's distribution pipes. The actual connection to District's mainline pipe shall be accomplished by District personnel only, and under no conditions shall any other person interfere with District facilities in any way. The applicant will be charged by the District for inspection and connection to main equal to actual costs incurred for such work.

### **3.5.4 Service Line Relocation**

The District's charges for the relocation of the District's service line and water meter from an existing site on the applicant's property to another requested location shall be equal to the District's actual costs of materials, installation, labor, equipment encroachment permit and normal overhead charges. Such relocations shall be subject to District approval.

### **3.5.5 Charges for Reimbursement of Oversized Facilities**

Charges may include the payment of a pro rata share of previously constructed main or line extensions, when required under District reimbursement agreements as described in **Regulation 8.14**. Additional charges to the District for certain facilities, either proposed or previously constructed, are listed on **Exhibit C**.

### **3.5.6 Capacity Charges - Water Supply, Treatment, Storage, Transmission - Exhibit B-14**

These charges are instituted to insure that all applicants pay a fair share of the cost burden to provide for essential components of water service infrastructure. They are generally established as a one-time charge levied against developments or new water accounts as a way to recover a part or all of the cost of additional system capacity, or the purchase of capacity existing within the system. Capacity Charges are not imposed upon applicants (or parcels) where sufficient water supply, treatment and storage facilities have been provided by a developer or by an assessment on those parcels to cover those costs. The amount of capacity required in any of these facilities to serve the needs of a single family equivalent changes periodically based on average customer water use trends, changing regulatory requirements, fire standards and other operational considerations. Under normal circumstances the District required capacity built into a developer constructed system will remain constant for a period of 10 years, therefore after a period of 10 years, applicants shall pay the prorated share of the cost of the increased capacity required to serve the property, if applicable. Capacity Charges are also applicable for service to any parcels that do not have a District water main in a street or right of way fronting the Applicant's property. The charges are specified on Exhibit B. 14.

In those areas where adequate supply, treatment, storage and transmission facilities have been provided by the District, Capacity Fees shall be charged to reimburse the District for its previous investment in the infrastructure with capacity necessary to serve the new connection(s).

In those areas where adequate supply, treatment and storage facilities have been provided by the developer or by an assessment on each parcel, water service, equivalent to one single-family residence (ESFR) on each parcel, shall be allowed without payment of capacity charges.

All applicable Capacity charges must be paid to the District before service will be provided. The Capacity charges shall be paid by the individual service applicant prior to the setting of any individual service meter by the District. The individual service applicant will be required to pay all Capacity charges not paid for or capacity not constructed by the developer. Where applicable, at the discretion of the District Engineer, if adequate capacity does not exist the developer will be required to either pay for or construct the necessary capacity prior to acceptance of all developer constructed facilities and prior to installation of any individual service meter.

**Supply** This charge shall apply to applicants for water service, where the property involved has not been provided with water supply by previous dedication of supply, agreement or assessment. The standard charge shall be computed on an estimated average annual water demand per single family equivalent (ESFR), as determined by the District Engineer, at the rate shown on Exhibit B.14.

**Treatment** This charge shall apply to new applicants for water service, which require a treated water supply which has not been previously provided by dedication of treatment capacity, agreement or assessment. The standard charge for treatment cost mitigation shall be computed on estimated maximum daily flow, as determined by the District Engineer, at the rate shown on Exhibit B.14.

**Storage** This charge shall apply to new applicants for water service in an area that has not been previously provided with adequate water storage facilities by dedication of storage, agreement or assessment. The standard charge for mitigation of storage construction shall be computed at the rate shown on Exhibit B.14.

**Transmission** This charge shall be the actual cost of construction, or reimbursement share of prior construction cost, as required in Regulation 8.

**Change in Use** The foregoing charges shall also be applicable to a change of use on an existing service connection under Regulation 6.03 where such charges were payable on the existing connection.

### **3.6 Standby Assessments**

Standby Assessments shall be calculated and levied against all parcels in any subdivision containing ten parcels or more and receiving approval by the Board of Directors after adoption of this regulation. Such assessments shall be a condition of approval of providing service to the subdivision to fund the cost of maintaining the water system and its capacity in a readiness to serve status for the benefit of unimproved parcels of land.

The District shall direct the preparation of the necessary Assessment Engineer's Report and conduct the required election in accordance with the applicable provisions of the State Constitution. All costs associated with the preparation of the Engineer's Report and conduct of the election, including reasonable District administrative expenses, shall be paid by the project developer. The standby fee or charge will be detailed in the Agreement between the Developer

and the District. Standby Assessments shall terminate for each parcel upon application for water service and payment of applicable connection fees and charges.

New or Increased Charges, Assessments, etc.

The District may from time to time increase its rates and charges or adopt new charges, standby charges, surcharges, improvement district assessments, or other charges pursuant to the applicable provisions of law relating thereto.

**3.7 Security Deposits**

**3.7.1 Application of Deposit**

A deposit is required for all customers who have not previously held an account with the District and that want to establish a water account with the District. Once the application and deposit have been processed, upon moving out of the property the deposit will be used towards the remaining portion that is owed to the District. If there is a remaining credit on the account, the tenant will receive a refund check within 30 days of closing their account.

**3.7.2 Deposit Amount**

A deposit shall be required for all accounts billed directly to tenants or a tenant's agent. The amount of the deposit shall be in the amounts detailed in Exhibit B.13.

**3.7.3 Delinquent Notices**

Delinquent notices of past due amounts shall be sent the owner of the property receiving water service.

## REGULATION NO. 4

### BILLING PAYMENTS AND MISCELLANEOUS FEES

#### 4.1    **Service or User Charges**

##### 4.1.1    **Billing**

Billing shall commence upon installation of a water meter. Bills for water service will be mailed or sent via e-mail, following the reading of the meter, to the address of the property owner. The property owner is responsible for the bill even if the property is rented. The bills are payable upon receipt and are delinquent thirty (30) days after the billing date. The owner of the property which is furnished service is the customer and shall be responsible for the payment of all rates, charges and fees, including penalties, thereon regarding such furnished service. Unpaid obligations shall run with the land, and shall lead to delinquency and termination of service for the residential unit or other real property involved without regard to any changes of residency or occupancy by persons different than the persons shown on District records as obligated to pay said bill. User shall be responsible to keep the District advised of the address to which bills are to be mailed. Non-receipt of a bill shall not relieve owner of any obligation to the District.

##### 4.1.2    **Billing Interval**

Bills for water service or user charges shall be rendered to users at not more than monthly intervals. Bills are due and payable upon presentation and become delinquent thirty (30) days thereafter.

#### 4.2    **Payment**

Bills shall be due and payable on mailing, e-mail statement or presentation. Payment shall be mailed to the District, paid online through the District's website, or to a collector authorized by the District.

#### 4.3    **Returned Checks or ACH**

A charge of \$25.00 per occurrence shall be paid for each check or ACH tendered as a payment to the District that is not honored by the bank.

#### 4.4    **Estimated Bills**

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

#### 4.5    **Prorated Bills**

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

**4.6    Vacancies in Multiple Family Residences**

No credit or discount will be allowed or approved for any vacancies of residential water service account.

**4.7    Disputed Bills**

**4.7.1    Review**

The Notice of Delinquency shall inform the user that any disputed portion of the billing may be reviewed with the General Manager or Finance Director within thirty (30) days of the date of the Notice. The person requesting review shall send a written statement supporting the basis for dispute to the District office, attention of the General Manager.

**4.7.2    Payment to Avoid Discontinuance of Service**

To avoid discontinuance of service, full payment of the undisputed portion of the bill must accompany the written statement by the due date.

## REGULATION NO. 5

### DISCONNECTION AND RESTORATION OF SERVICE

#### 5.1     **Disconnection by the District**

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

1.     The customer fails to comply with any of the District's Rules and Regulations, after notice by mail or in person;
2.     The service is being furnished without proper application;
3.     There is evidence of unauthorized tampering or interference with the District's facilities;
4.     The District or a State or County Public Health Officer finds that there exists a known or potential hazard to the health or safety of the customer or any water user of the District;
5.     The customer fails, after notice from the District, to remove an obstruction that prevents access to the water meter;
6.     Excessive or wasteful use of water as described in Section 12, after notice by mail or in person that the same be terminated.

#### 5.2     **Discontinuance of Service for Delinquent Bills**

The following procedure for termination of service for nonpayment of bills shall be followed:

##### 5.2.1   **Delinquent**

Unpaid water bills shall become delinquent thirty (30) days after the billing date.

##### 5.2.2   **Notice of Delinquency and Impending Termination**

If a customer's account is not paid 35 days after the billing date (5 days delinquent), a \$10 penalty and 1% interest charge will be applied to the past due balance on a monthly basis until paid. If a customer's account is not paid 45 days after the billing date (15 days delinquent), a written notice of delinquency and impending termination shall be mailed to the service address and the owner of record. The written notice shall specify the date of service termination, which shall be no less than fifteen (15) days after the date on which the written notice is mailed to the service address and the owner of record.

##### 5.2.3   **48 - Hour Notice**

A second notification, either in person or by mail to the service address and to the owner of record, shall be given 48-hours prior to the termination of service. An additional penalty charge of \$10 shall be added to amounts due and payable for continued water service upon implementation of the 48 hour termination notice.

#### **5.2.4 Service Discontinuance**

When water service is disconnected for non-payment, the meter shall be placed in the locked-off position. Service charges shall continue to apply to locked off meters. After a sixty (60) day period, if the delinquent bill is not paid or the dwelling at the service site is vacant, the meter may be removed. Once the meter has been removed, the account may be subject to a property lien which will be filed with the County Recorder's office (see Section 5.04). The customer or property owner continues to be responsible for the minimum monthly service charges and also any surcharges accruing to the service connection up to and after the time when the meter is turned off. When the meter is removed, the customer or property owner also continues to be responsible for the minimum monthly service charges and all surcharges accruing to the service connection up to and after the time the meter is removed.

#### **5.2.5 Interest and Penalties**

A delinquent account shall continue to accrue interest from the delinquent date at the rate of 1% per month until the past due amount, plus interest and penalties, is paid in full.

#### **5.3 Disconnection Request by the Customer (Permanent Termination of Service)**

A customer may request discontinuance of service under one or more of the following conditions:

1. The dwelling has an alternative source of potable water as approved by the Siskiyou County Environmental Health Department.
2. The structure is uninhabitable and the owner intends to demolish the structure and not rebuild for an unknown period of time.
3. The parcel is vacant with no dwelling or habitable structures on the property.

A Service Disconnection Application is required and District written approval secured before the service can be discontinued. No refunds of connection fees shall be given.

#### **5.4 Restoration of Service Upon Payment of Charges**

Restoration of service to property which has been permanently terminated requires a new service application and prior payment of charges, penalties and interest due, plus the actual cost of disconnection and reconnection as determined by the General Manager and payment of a security deposit. Service shall not be restored to a property which has been in an inactive status in excess of five (5) years until the District's Capacity Charges applicable to new services are paid (consisting of the Capital Reserve Charge and the Meter Set Charge set forth in Exhibit B, Sections B.9 and B.10). The District's then-applicable connection fees for water supply, treatment and storage capacity charges must also be paid, less the amount of any supply, treatment and storage capacity charges which can be determined to have been previously paid for such connection.

Restoration of service within one year of the date that a request for discontinuance was approved by the District shall require payment of the normal monthly service charges that would have been charged had the service remained in an active billing status. After the one-year period, restoration shall require payment of the difference between the original connection fee amount paid to establish service for the property, and the connection fees in effect at the time of restoration of service.



#### **5.5 Certificate of Lien for Delinquent Water Charges**

When water service has been discontinued as provided for in Regulations 5.01 and 5.02 above, and when the General Manager or the Finance Director has determined that the recovery of the amount due may be uncertain, then the General Manager or the Finance Director shall cause to be filed with the County Recorder a Certificate of Lien, setting forth the amount of the delinquent charges, including any interest and penalties therein, the name and address of the person(s) liable therefor, and the same shall therefor become a lien upon all real property owned by such person(s) in accordance with Section 31701.7 of the Water Code.

#### **5.6 Placing Unpaid Charges on the County Tax Rolls**

The amount of any charges for water service requested in writing by the owner of the property that are delinquent and unpaid for sixty (60) days or more on or before July 1, shall upon notice being given to the owner thereof be added to and become a part of the annual taxes upon such property, and shall constitute a lien on that property as of the same time and in the same manner as general taxes upon such property, all as provided for in Sections 31701.5-31701.6 of the Water Code; provided that in such cases, the District General Manager shall furnish to the County Board of Supervisors and the County Auditor a statement of such delinquent and unpaid charges on or before August 10 of that year.

#### **5.7 Unlawful Acts**

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

#### **5.8 Drawing Water From Fire Hydrants**

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

#### **5.9 Damage to District Facilities**

The user, by applying for water service from the District, covenants and agrees that, in addition to any right of remedy available to the District by law, he shall pay to the District its cost for repairing or replacing any of the District's facilities damaged as a result of construction or other work or activities on the user's property.

#### **5.10 Unauthorized Service Connections**

No person shall cause a service connection to be made without prior authorization of the District, and every person who does so shall be guilty of a misdemeanor. Such person may be required to pay a penalty for the unauthorized service connection equal to twice the estimated user's charges in effect during the period of time such unauthorized service connection was made and used and twice the Connection Fee in effect at the time connection is authorized. Such unauthorized connections may be disconnected by District at such person's expense, until such service connection is authorized and the penalties and other charges or fees are paid. The payment penalties as provided herein may be reduced to 25% of the user charges and

then-applicable Connection Fee provided such person makes application and pays all charges and fees within ten (10) working days of written notification that such service connection is unauthorized and provided that the connection is not in violation of any other provisions contained herein or as provided by law.

**5.11 Tampering with District Facilities**

No person other than those designated and authorized by the District, shall open any water valve covers or tamper with such covers in any manner, operate any District owned water valves, hydrants, standpipes or other appurtenances.

No person other than those designated and authorized by the District, shall enter any District facilities, such as any water storage tank, chlorinator site or spring.

No person shall maliciously, willfully or negligently break, damage, destroy, deface any structures, appurtenance or equipment which is a part of the District's water system. No person without previous written authorization from the District shall uncover, make any connection with, opening into, use, alter, or disturb any public water main, service or appurtenance thereof.

Any of the foregoing actions which are misdemeanors under the California Penal Code shall be referred to the District Attorney for prosecution.

**5.12 Water Misuse**

No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the District may discontinue the service.

## REGULATION NO. 6

### SERVICE CONNECTIONS REQUIREMENTS FOR NEW CONNECTION OR CHANGE OF USE

#### 6.1 Application for Service and Payment of Fees

1. No service shall be granted or continued unless the present owner of the affected parcel of land has filed an application and paid the appropriate connection fees as outlined in Section 3.05 of Regulation No. 3.
2. Application for treated water service shall be made in writing on forms provided by the District, and signed by the legal owner of the subject property.
3. Applications for treated water shall be supported by plot maps, assessor's parcel number, construction type and number of living or service units, plans of water distribution, date the service is to begin, the name and billing address of the owner, and the domestic water requirements in gallons per minute.

#### 6.2 Treated Water Service Connections

No new service connection shall be connected to the District's treated water distribution system unless there exists a District water main in a street or right of way fronting the Applicant's property and opposite the proposed location of the Applicant's service. The main shall have adequate capacity and pressure to provide safe and reliable water service for domestic and fire protection use as solely and conclusively determined by the District. The District, in determining the adequacy of the existing facilities, will take into consideration all factors such as the water requirements of the project to be served by a new connection, water service needs to adjacent parcels, the flows required for fire protection and whether such use of the water will significantly impair service to the existing District customers. Should the determination reveal that the District's existing facilities are inadequate to serve a new connection, the new service or services shall not be allowed to connect into the system unless and until the Applicant provides such adequate extension and improvements, including additional water supply, treatment, storage and distribution system, and/or pays capacity charges as required by the District. The location, capacity and design of such extensions and improvements shall be determined solely and conclusively by the District as outlined in Section 8.

Service will be connected, provided the following conditions are fulfilled:

1. The land to be served is within the geographical boundaries of the Hornbrook Community Services District, and within or adjacent to an area being served or servable by the District.
  - a) Land outside the District must be annexed to the District prior to the provision of service.
2. The District possesses, or is provided by the applicant, with an adequate water supply including treatment and storage facilities, and distribution pipe system, to provide such service.
3. Service to such property will be supplied upon filing of an application as further defined in Regulation 6.01.
4. Application for and execution of a Plan Check and Inspection Agreement, proper construction and dedication of infrastructure where main extensions and/or other on and offsite system improvements are required, and
5. Payment of applicable fees.

### **6.3   Change of Use**

In those cases where the parcel has been improved since the original service installation causing any of the following conditions to exist, the parcel owner must file an application for service and submit fees as described in Regulation 6.01 hereof.

1.      The improvement requires an increase in water pressure or quantity to serve the subject property and adds another user classification to the applicant's service or converts the service to a new user classification as listed on Exhibit A.
  
2.      The improvement requires increased water pressure or quantity in order to satisfy the State or Siskiyou County fire suppression standards.
  
3.      The improvement changes property use including parcel splits, additional buildings, or other possible multiple use divisions requiring separate water hookup for each unit.

## REGULATION NO. 7

### METERS

#### 7.1     **Number of Meters**

A service connection and meter shall be established for each separate single family residential or commercial building on each parcel, unless otherwise determined by the General Manager. Service to accessory dwellings may not require separate meters as determined by the General Manager. When a parcel or building receiving water service through one connection is subdivided into smaller lots, parcels or units, then the existing service connection shall be deemed appurtenant to the parcel or building unit upon which it is situated or most immediately adjacent, and additional meters shall be required for each lot, parcel or unit. The District reserves the right to limit the number of houses or buildings, or the area of the land under one ownership, to be supplied by one service connection. A service connection shall not be used to supply adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley.

#### 7.2     **Location of Meters**

The location of meters shall be installed in accordance with District's applicable standard Details and Specification at a convenient location approved by the District.

#### 7.3     **Size of Meter**

With District approval, the Applicant may determine the size of the meter for each service connection compatible with provisions of the American Waterworks Association Standard as revised at the date of the application.

#### 7.4     **Change of Size**

The meter will be replaced by a meter of different size upon the request of the user with District approval or as required by a change of usage. The applicant shall be responsible for all costs associated with the meter installation including, but not limited to the cost of the meter, plus additional connection fees, administrative, labor and overhead charges.

#### 7.5     **Meter Reading**

##### 7.5.1   **Measurement of Water Supplies**

All metered water supplied by the District will be measured by means of water meters installed, owned and maintained by the District, with the exception of bypass meters on fire sprinkler system check valve assemblies as described in Sections 9 and 11. The cubic foot is the unit of measure, and the amount charged for service shall be based on the current rates established by the District.

##### 7.5.2   **Frequency of Meter Reading**

District will attempt to read meters on a monthly or bi-monthly basis. As it is not always possible to read meters at equal intervals, the period between reading dates may vary. Special readings will be made on commencement and termination of service as required by special circumstances.

### **7.5.3 Meters that Cannot be Read**

Where a meter cannot be read because of an obstruction or adverse weather conditions, the billing for that period will be estimated, and the water user will be notified and shall correct the condition.

### **7.6 Testing Meters**

The District will test the accuracy of any of its meters upon the written request of a customer. If a meter is found to be working improperly, it will be repaired or replaced by the District. Not more than one test every five years per customer will be performed by the District at no cost to the customer. A service charge of \$50.00 for each additional test requested by the customer shall be borne by the customer when it is determined that the meter is operating within +/- 1.5% of actual flow.

## REGULATION NO. 8

### EXTENSION OR IMPROVEMENT OF FACILITIES

#### **8.1** **Scope of Regulation**

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

#### **8.2** **Application**

An extension or improvement of facilities shall be initiated by completing an application, executing a Development Reimbursement Agreement and depositing an application fee with the District, as described in Regulation 8.9. The application and Development Reimbursement Agreement must be signed by the property owner. The application shall become null and void:

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

#### **8.3** **Project Approval**

The Developer is required to execute the Development Reimbursement Agreement as a condition of District review of project application materials. The General Manager is authorized to execute the Development Reimbursement Agreement, but not provide any commitment of service to the project until Board approval of the project's PCIA. Extension or improvement of facilities applications shall be reviewed by the District Engineer or District Engineer's designate. If further information is required, the developer's Engineer or the District Engineer at the developer's expense, will prepare the additional information needed. The property owner shall sign the PCIA which incorporates the requirements of the District. The agreement shall be placed on the Board of Director's Agenda accompanied by a staff recommendation, and if authorized, the President and Secretary of the Board shall sign the Agreement.

No additional work shall be commenced until the PCIA has been signed by all parties.

#### **8.4** **Environmental Review Charge**

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

## **8.5 Design, Installation and Ownership of Extension of Facilities**

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

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

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

## **8.6 Sizing of Facilities and Minimum Pressure**

Pipeline sizing shall be in accordance with the following:

1. The normal minimum pipeline size for water shall be eight (8) inches (except as provided below).
2. The District Engineer or his designate may require larger or allow smaller pipeline size, if in his opinion, a larger size is needed or a smaller pipeline size would be appropriate.
3. Each new distribution system that expands the existing system service connections by more than 20 percent or that may otherwise adversely affect the distribution system pressure shall be designed to provide a minimum operating pressure throughout the new distribution system of not less than 40 pounds per square inch at all times excluding fire flow.

## **8.7 Location of Facilities**

The extension or improvement of facilities shall be located only on land owned by the District in fee, in streets with an acceptable encroachment permit, existing public utilities easements, or in an easement granted to the District. The location is subject to the District's approval of alignment, accessibility and safety of the facilities. The developer shall convey or grant to the District without cost such land and/or easements the District determines necessary for the facilities. The District may also require an easement for future extensions. Land shall be conveyed to the District, free and clear of liens or encumbrances except encumbrances of record that are acceptable to the District. Easements shall be granted in a form satisfactory to the District. The pipeline shall abut all parcels served, and depending on adjacent property configuration, location and land use; may be required to be oversized and/or extended past all parcels created across the entire length of the developer's project. An easement shall be granted to District along the entire length of the



developer's parcel except in cul-de-sacs, dead-end roadways or other situations where the District determines that the pipeline may terminate and remote service be provided.

#### **8.8 Land Rights Schedule**

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

#### **8.9 Payment of Costs**

The developer shall pay the District's actual costs as specified in Exhibit D including, but not limited to: Engineering analysis, designs, plan review or preparation of environmental impact documents, hearings, review or preparation of improvement plan, construction inspection, as-built drawings, project management and usual overhead expenses allocated to such work.

**Development Reimbursement Agreement** – Upon initial application to the District, the developer shall execute the Development Reimbursement Agreement and deposit District's estimate of engineering review, annexation costs, and project administrative costs prior to performance of any work by the District. Upon completion of the work in the Development Reimbursement Agreement, if the amount deposited with the District is less than actual costs, the difference shall be paid to the District prior to execution of the Plan Check and Improvement Agreement (PCIA). Any amount deposited in excess of actual cost will be refunded.

**Plan Check Improvement Agreement** – Upon the determination of the developer that the project will proceed to construction and entitlements, the developer shall apply for a Plan Check and Improvement Agreement, which includes the requirements of the developer to design and construct all improvements to the specifications of the District, pay the cost of District construction inspection and project management and administration, as well as infrastructure dedication and District acceptance conditions and requirements. The PCIA will also detail the process for reimbursements to the developer, if any for the installation of oversized or extended facilities completed at the direction of the District.

#### **8.10 Inspection and Notice of Completion**

The District Engineer or designee shall inspect the construction of all facilities. The District will not accept or provide service through a facility which has not been completed in accordance with the PCIA.

#### **8.11 Acceptance of Facilities**

Upon completion of the construction and proper dedication by the developer in accordance with the PCIA, as verified by the District Engineer, the District shall consider acceptance of the improvements by Resolution of the Board. Upon Acceptance, the District shall then issue proof of service to the County Planning and Building Department. After Acceptance, the facilities shall be owned, operated and maintained by the District except as otherwise specified in an PCIA or Acceptance Resolution.

#### **8.12 First Year Warranty Responsibilities**

For a period of one (1) year from the date of acceptance by the District, the property owner shall warrant for the repair of all defects, leaks or failure occurring in the facilities, which are, as determined by the District, due to negligence in the manufacture and/or installation of the facilities and not due to improper operation of the system by the District or its agents, acts of a third party or acts of God. Failure by the property owner to pay for any of the repairs described above after being billed by the District may result in a discontinuance of service.

The developer, or the developer's representative, shall submit a one year warranty surety bond, (in form acceptable to the District), certificate of deposit, or irrevocable letter of credit, in an

amount established by contract with the District.

**8.13 Documentation of Project Costs**

The developer shall provide the District with copies of all invoices for materials, equipment, labor and District costs for construction of the project marked "PAID" and signed by the developer or his authorized agent.

**8.14 Cost Reimbursed by the District**

A. The district may impose a requirement that improvements installed by a developer for the benefit of the developer's project shall contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision and that those improvements be dedicated to the district.

B. This chapter is intended to provide an equitable procedure for at least partial reimbursement to private parties who construct and dedicate district facilities to serve their private property, if such facilities are also used thereafter to directly serve and benefit private property owned by others.

C. Whenever an applicant is required as a condition of development, to construct and install district facilities, which are dedicated to the district, and which have the future potential and capacity to provide service to real property parcels, not under the control or ownership of the applicant, the reimbursement provisions of this chapter shall apply, unless the district specifically provides otherwise by ordinance or resolution.

**Definitions.**

As used in this chapter the following words shall have the following meanings: "Applicant" means sub-divider, developer, owner and/or builder. "District" means the Hornbrook Community Services District.

"District facility(ies)" or "project" means water lines, water production facilities, and appurtenant facilities that are dedicated and accepted by the district.

"Engineer" means district engineer.

**Reimbursement of excess costs.**

A. Excess Costs means:

1. Oversizing: The cost of installing the size of line required to serve applicant's needs pursuant to district's plans and specifications or as identified in the engineer's report and the actual cost of installing a larger line at the direction of the district.
2. Off-site development: A pro rata share of the costs of installing district facilities and appurtenances pursuant to district plans and specifications beyond the property of the applicant that are subject to probable future use by connectors other than applicant.

B. Allowable Costs: Costs which are allowable for inclusion in the calculation of excess costs are those costs which are directly related to the planning, design and construction of the district facility, including payments to contractors and engineers, security bonds, acquiring right-of-way for the project, and amounts attributable to interest for the excess cost of oversizing the district facilities.

C. Ineligible Costs: Ineligible costs include, but are not limited to, attorneys' fees, financing costs, and the applicant's overhead and office expenses related to the coordination and supervision of contractors engaged to perform project work.

D. Maximum Recovery: The maximum recovery of costs for installation of a district facility will be calculated as the sum of all allowable costs of the district facility, less the share of costs for the applicant's use of the district facility based upon the number of applicant's connections or residential units equivalent as determined by the engineer. The applicant's maximum recovery shall also be

reduced by the sum of all reimbursement fees waived by the applicant pursuant to agreements regarding the share of costs between the applicant and other party or parties.

E. Approval of Excess Costs: District shall have the right to audit the excess costs submitted by applicant, and to approve for reimbursement only so much thereof it determines to be just and reasonable. Such excess cost, if any, shall be computed when such facilities are completed by applicant and accepted by district, and such shall be paid as provided in a reimbursement agreement.

F. Proration of Costs:

1. The engineer shall prorate the approved excess costs against all lots or parcels which in the future may be served by direct connection thereto ("area of proration"). The district shall send written notice of the prorated amount to the person shown on the latest county assessor's roll as the owner or agent of record for assessment purposes for each parcel. Such person may protest the prorations in writing within fourteen days after the notice is mailed. If not protested within the fourteen days, the proration shall become final for the purposes of this section.

2. A protest shall be concerned only with the division or spread of the costs between or among the applicant's property(ies) and all other properties to be included in the area of proration or the boundary of the area of proration. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of actual cost information as presented by the applicant or his agent to the engineer.

3. The district's board of directors shall hold a public hearing to consider all such written protests. All evidence in support of the protest shall be submitted in writing to the district at least ten days before the meeting. The engineer shall prepare a written report and recommendation to the board on each protest. A copy of the engineer's report shall be mailed, or otherwise delivered, to the concerned protester at least five days before the board meeting to consider the protest.

4. The board's decision on the protest shall be in writing, and shall be final. If the board's decision results in an increased proration amount for properties owned by anyone other than the protester or the applicant, a new notice and a new fourteen-day period shall be given for each such property.

5. If no protest is filed for a property within the fourteen-day period after the first or any subsequent notice of prorated amount is mailed for that property, the proration shall become final as to the property.

G. The area of proration and the final proration of costs shall be approved by resolution of the district.

H. The district general manager is authorized to record a notice on all properties that are subject to reimbursement upon adoption of the resolution referenced in subparagraph G, above.

#### **Applications for reimbursement.**

A. In order to qualify for reimbursement of excess costs, pursuant to this chapter, Applicant shall, within ninety days of District's acceptance of district facilities, deliver to district the following:

1. Written application requesting reimbursement of excess costs;
2. A certified statement showing the applicant's allowable costs in constructing district facilities.
3. A scale map that identifies the district facilities and parcels which could reasonably be physically connected directly to the district facility(ies).
4. A list of each owner's name, address, county assessor's parcel number and current zoning for each parcel identified on the scale map referenced in subparagraph 3 above.
5. A statement disclosing any agreements regarding the sharing of the district facility costs which exist between the applicant and any other party or parties.

B. The applicant shall provide other information requested by the district engineer and shall cooperate with the engineer in reviewing costs.

C. If applicant does not submit the application and information required in subparagraph A, above, within ninety days of district's acceptance of the district facility(ies), applicant shall have waived all right to reimbursement.

**Reimbursement agreement.**

A. Upon the applicant complying with [Section 5.01.031](#), the district shall enter into a reimbursement agreement that is consistent with this chapter.

B. The reimbursement agreement shall require applicant to reimburse the district's costs in processing the application for reimbursement.

**Ten-year repayment obligation.**

Provided that applicant has complied with all provisions of this chapter and the district has adopted a final resolution accepting said facilities, for a period of ten years from the date of acceptance of the district facilities, the applicant shall be eligible for reimbursement as provided in the reimbursement agreement from each parcel as the parcel, or portion thereof, connects to the district facility(ies).

**District to serve as collection agency.**

The district shall collect the prorated amount for each parcel before permitting the parcel to connect to the district facility. It is the duty of the applicant to keep a current address on file with the district. Reimbursement amounts returned to the district and unclaimed within one year thereafter shall become the property of the district.

**District administrative costs.**

As partial reimbursement to the district for its administrative costs in record keeping, collection and disbursement activities, the district shall charge, deduct and retain five percent of all reimbursement amounts collected from subsequent connections to district facilities.

**District connections.**

- A. The district may make connections to the water facilities to serve public facilities that are outside the area of proration, without any obligation to pay any such reimbursement, upon a determination that there is sufficient capacity in the district facility to serve the area of proration and the public facilities.
- B. The district may also make or permit connections to the facilities to serve private property outside of the area of proration as determined by the engineer; provided, however, that the district board reserves the right to determine at that time whether or not the owners of such private property shall be obligated to reimburse applicant as provided in this chapter.

**All other district water charges in effect.**

Nothing herein shall be construed or applied to affect or reduce any other district charges, fees, connections or other amounts payable to the district for water service.

**District liability.**

If for any reason the reimbursable cost is or becomes uncollectible, as determined by the district, the district shall not be liable to the applicant for the excess costs in constructing the district facilities.

## REGULATION NO. 9

### FIRE SERVICE

#### 9.1     **Conditions of Service**

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

#### 9.2     **Public Fire Hydrants**

1.     Public fire hydrants may, at the District's option, be installed and connected to the District's mains when requested by the public fire protection entity having jurisdiction, or when required as a condition to the issuance of a building permit or the acceptance by the County Board of Supervisors of a subdivision plat.
2.     When a hydrant is installed on an existing main and the construction is to be performed by the District, the applicant shall deposit with the District the estimated cost of labor, materials, engineering, inspection and usual overhead expenses in the installation of the hydrant assembly, hydrant lateral, control valve and the connection to the District facilities.
3.     A hydrant may be installed by the applicant with District approval. The installation shall be performed at applicant's expense, by a contractor holding a Class A or C34 license. The applicant shall deposit, prior to installation, the estimated cost of District inspection, engineering and usual overhead expenses
4.     The type of hydrant shall be determined by the District and the site location shall be jointly determined by the District and the responsible public fire protection entity, excluding those hydrants that are installed by the District for the District's sole use as a means of flushing the District's water mains.
5.     All installed fire hydrants shall be for the sole use of the appropriate fire district for the suppression of fire and for other obvious protection emergency use. The only exception to this rule is the permitted use, granted by the District, to contractors for construction water, or fire districts for the testing of hydrant flows.
6.     All new fire hydrants shall belong to and be maintained by the District with the exception of private fire hydrants which are installed under agreement with the District. Fire hydrants shall be installed within a permanent easement granted to the District or in an existing Public Right of Way. The District will bear the expense of performing hydrant maintenance resulting from normal wear and tear when such conditions are reported by the responsible agency or when otherwise brought to the attention of the District.
7.     The hydrant design, corrected for inlet and outlet velocity head shall not exceed the permissible head loss based on the American Water Works Association, (AWWA) Standards as amended from time to time: ANSI/AWWA C502-80 for dry-barrel fire hydrant, Table 4.

8. For hydrants designed or intended to deliver more than 1,000 g.p.m., the permissible head loss shall not exceed 5 psi when discharging at the design or intended rate of flow. The Applicant's engineer shall furnish to the District all the test data, design drawings, flow charts, specifications and findings for all hydrants that are specifically designed to flow above 1,000 g.p.m. All information submitted to the District shall comply with the AWWA Standards as described in Section 7 above.

### **9.3 Requirements for Private Commercial Fire Protection System**

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

## REGULATION NO. 10

### TEMPORARY SERVICE

#### 10.1    **Installation and Payment**

Temporary service shall be limited to one (1) year. Thereafter it may be renewable in one (1) year increments at the discretion of the District Engineer. Service which does not require installation of a permanent connection shall require the installation of a meter, payment of a total estimated cost of installing and removing the connection and reasonable security deposit for the meter. For one-year renewals, an administrative fee in the same amount as the District's Meter Set Charge as specified in Exhibit B shall be required. Service charges shall be determined for metered service at rates established by this ordinance.

#### 10.2    **Service Through Fire Hydrants**

Temporary service for water used in construction shall be provided at locations approved by the District through portable meters furnished by the District. The District shall require, as a condition to such service, the payment of a reasonable security deposit for the meter and service charges and rates as specified in Exhibit B.5. Existing customers who have active water service accounts and are current with their account balances may be issued temporary hydrant meters without initial payment of a security deposit. Once a hydrant is checked out at the District office, a customer is required to return the hydrant within 48 hours of the original date it was checked out. If not returned within 48 hours, a security deposit in the amount of the replacement cost of the meter plus 10% handling fee will be charged to their account.

## REGULATION NO. 15

### ADMINISTRATION

#### **15.1 Appeals to the Board of Directors**

Any rule, regulation, finding, or requirement which is enforced upon a customer, applicant or other person or entity doing business with Hornbrook Community Services District may be appealed to the Board of Directors for dispensation or waiver of the subject requirement. The appeal or request may first be addressed by the General Manager depending on the issue and then forwarded to the full Board for resolution if needed. The appeal shall, in all cases, be submitted according to the following described procedure:

1. All appeals shall be submitted in writing within 30 days after the party has been made aware of the violation, for hearing at a regularly scheduled meeting of the Board of Directors.
2. The appellant must specifically include the following information in the notice of appeal:
  - a. The identity of the appellant and their interest in the decision.
  - b. The nature of the decision or condition appealed from.
  - c. A brief statement of the reasons why, in the opinion of the appellant, the decision or conditions imposed were unjustified or unappropriated.
  - d. A statement of appellant's goal or desired outcome of proposed Board action regarding the appeal.



## EXHIBIT A

### WATER SERVICE USER CLASSIFICATION SCHEDULE

<u>User Classification</u>	<u>Usage Factor</u>
Single family residence	1.0
Accessory dwelling	0.8
Apartment	
Each unit with washer	1.0
Each unit without washer	0.8
Apartment complex with central laundry facility	0.6/machine
Mobile home	
Each unit with washer	1.0
Each unit without washer	0.8
Mobile home park with central laundry facility	0.6/machine
Motels and hotels	0.25/room
Rooming house	0.25/room
Bed & Breakfast	0.25/room
Campgrounds	
Overnight & trailer w/central facilities	0.2/space
RV w/individual hookup	0.3/space
Barber shops	0.3/station
Beauty shops	0.3/station
Service station with restrooms	2.0
Self-service (no restroom)	0.8
Recreational vehicle dump station	2.0/station
Automobile repair shop	1.0
Mortuary	0.4/employee
Bakeries, catering service	0.3/employee
Restaurants	
Walk-in	0.07/seat
24 hour	0.09/seat
Drive-in, short order	0.09/seat
Bars, card rooms, casinos, taverns	0.1/seat
Bowling alley	0.1/alley
Theaters, indoor	
(Based on maximum seat capacity)	0.02/seat
Laundries & Laundromats	0.6/machine
Cleaners	
Plant w/office	0.1/employee + 1.0/machine
Fire station	0.2/employee
Offices, including	0.1/employee
Accountants	
Attorneys	
Engineers	
Other (insurance, real estate, etc.)	
Dentist's	0.5/chair
Physician office or clinic	1.0/office or M.D.

## EXHIBIT A (continued)

### WATER SERVICE USER CLASSIFICATION SCHEDULE

<u>User Classification</u>	<u>Usage Factor</u>
Retail stores, incl.	0.1/employee
Clothing	
Building supply, hardware, appliance	
Furniture	
Real estate	
Warehouse	
Drug store	
Pet shops	
Other retail stores	
Public swimming pools	2.5/pool
Car wash, self-serve	3.0/stall
Food markets	0.1/employee
W/garbage grinders	4.0
Public buildings	0.1/employee
Schools	0.07/enrollment
Meeting halls and churches	0.01/seat
Restroom buildings	1.0/toilet
Long term care facilities	0.3/bed
Industrial bldg., Assembly, etc.	Per calculations of Estimated Usage
Minimum Usage Factor For all Classifications	0.8

**EXHIBIT B**

**WATER SERVICE CHARGES AND RATES**

**B.1 Charge for Treated Water Service (Approved \_\_\_\_\_ date)**

Meter Size: Minimum Monthly Service Charges

<b>Meter Size</b>	<b>Service Charge</b>
5/8 by 3/4 - inch (Conservation)	\$ XXY
5/8 by 3/4 - inch	\$ ZZZ
3/4 - inch	\$ YYZZ
1 - inch (Residential/Fire Protection)	\$ YYZZ
1 - inch	\$ XXXX
1 1/2 - inch	\$ XXXX
2 - inch	\$ XXXX
3 - inch	\$ XXXX
4 - inch	\$ XXXX
6 - inch	\$ XXXX
8 - inch	\$ XXXX

**B. 1.1 Consumption – Quantity Rates**

**Residential Treated Water Service (Approved \_\_\_\_\_ date)**

<b>Quantity Rates Monthly Per 100 Cubic Feet</b>	<b>Service Charge</b>
Tier 1 – Under 12,000 gallons, per 1000 gallons	\$ 0.00
Tier 2 – Over 12,000 gallons, per 1000 gallons	\$ xxyy

**Multi-Family**

The dollar amounts for each tier are the same as for Residential.

**Non-Residential**

The dollar amounts for each tier are the same as for Residential.

**B.1.2 Conservation Rate (Approved \_\_\_\_\_ date)**

Single Family Residential customers whose average monthly water usage over the most recent twelve (12) months is less than 1500 gallons per month may apply for and pay a reduced conservation water rate of \$\_\_\_\_\_ minimum monthly service charge. See Regulation 3.01.7.

**B.3 Bulk Usage from Fire Hydrant**

<b>Type of Service</b>	<b>Meter Size - 2 1/2"</b>	<b>Meter Size - 1"</b>
Rental charge per day	\$ XXYY	\$ XXYY
Usage per 100 cu. Ft. – Treated Water	\$ XXYY	\$ XXYY
Usage per 100 cu. Ft. – Raw Water	\$ XXYY	\$ XXYY
Meter Deposit	\$ XXYY	\$ XXYY
Administration Fee Per Rental	\$ XXYY	\$ XXYY

**B.4 Service Charge for Privately Owned Fire Protection Systems**

Same as monthly charge for 3/4" meter - See B.1.

**B.5 Request for Service Location, Temporary Shut Off or Turn On**

Each time the District is required to locate the customer's service connection or make a temporary shut off or turn on, a service charge may be charged, in accordance with the following provisions, shall be paid by the user. These charges will not apply when there is an emergency request by the customer due to a leak.

**B.5.1** Service charge with a minimum notice of two (2) full work days and with the location or shutoff to be accomplished between 7:00 a.m. and 4:00 p.m. on a regular day (not including 6-month maximum suspensions). No Charge

**B.5.2** Service charge with less than the required minimum notice and with location or shutoff to be accomplished between 7:00 a.m. and 4:00 p.m. on a regular day. \$ 50.00

**B.5.3** Service charge with the location or shutoff to be accomplished between 4:00 p.m. and 7:00 a.m. \$ 130.00

**B.5.4** Service charge with the location or shutoff on Saturday, Sunday or District Holiday. \$ 130.00

**B.5.5** Unlawful Acts Charge \$ 150.00

**B.6 New Account Administration Fee** \$ 100.00

The New Account Administration Fee is a one-time charge to a new connection for water service to be paid at the time of application that covers staff time involving information data input and account management.

**B.7 Water Connection Fees**

Purpose and Use

The purpose of the rates, fees, and charges stated herein are for meeting operation and maintenance expenses, purchasing or leasing supplies, equipment, or materials, meeting financial reserve needs, and for obtaining funds for.

The District's water system connection fees are comprised of the following components as further detailed herein:

- i) **Capital Reserve Charge** – to cover the District's cost of capital improvements necessary to maintain service to all customers within the District's existing service areas. The capital improvements include water storage tanks, treatment facilities, water distribution and transmission facilities, and pumping facilities, including related electrical and telemetry control systems
- ii) **Capacity Charge** – Levied for the purpose of increasing supply, treatment, storage, or transmission capacity used up by new connections to the water systems
- iii) **Meter Set Fee** – Levied to cover the out-of-pocket costs to purchase and install the new water meter, and set a new meter box if needed.

iv) **Service Line installation Fee** – If no service line or line of inadequate size of conditions exists serving the property.

**Capital Reserve Charge**

The Capital Reserve Charge shall be used to establish a capital reserve fund that shall be used to replace capacity and facilities used by new applicants for service upon connection to the water system and to provide for the continuous capability to serve new applicants for treated water service. The capital reserve fund would specifically be used to replace equipment and facilities that reach the end of their useful life and to construct improvements necessary to maintain service and capacity in water treatment, storage, transmission, distribution, pumping facilities, and control systems as periodically needed in each of the service areas within the District’s jurisdiction.

The Capital Reserve Charge shall be computed by reference to the user classification schedule attached as Exhibit A, applied according to the factors indicated at the sole discretion of the District. The fee stated herein is equivalent to a Factor of 1.0.

Capital Reserve Charge: \$XXYYZZ

**B.10 Meter Set Charge**

	Installation of Meter & Valve Only	If New Box & Lids are also Required
3/4 inch meter	\$ XXYY	\$ XXYY
1 inch meter	\$ XXYY	\$ XXYY
1 ½ inch meter	\$ XXYY	\$ XXYY
2 inch meter	\$ XXYY	\$ XXYY
3 & 4 inch meters	Actual Cost	

**B.10 Capacity Charges**

Water Capacity Charges shall be collected and placed in a fund to construct improvements to any of the water systems described above for the purpose of increasing supply, treatment, storage, or transmission capacity used up by new connections to the water systems. The charges are uniform to all systems and are collected and used to construct improvements as needed in any individual water system. For one equivalent single-family residence, the capacity charge shall be calculated on an estimated usage based upon a ten year average from the District’s consumption records for residential systems. These charges are applied as described below:

Application criteria: Water capacity charges apply to all applicants for water service whose parcels to be served are located where sufficient water supply, treatment, and storage facilities have not been provided through previous improvement as described in Regulation 3.05.6. For raw water service, only the supply component described below shall apply.

- Supply \$XXYY per ESFR, see Exhibit E.1.
- Treatment \$XXYY per ESFR, see Exhibit E.2.
- Storage \$XXYY per ESFR, see Exhibit E.3.
- Transmission Actual Cost

**B.10 Service Line Charge**

Actual cost

**B.11 Meter Accuracy Tests**

Customers requesting meter tests shall be charged \$ 50.00 for all tests beyond one test every five years.

**B.12 Security Deposit Amount**

\$ 80.00

**B.13A Lien Fee**

\$ 15.00