

ARTICLE 6

RULES APPLICABLE TO INDIVIDUAL APPLICANTS FOR WATER SERVICE

6.01 APPLICANT

Applicant for service must be either the owner or the tenant of the premises that will be served by the metered connection. Tenants will be required to file an affidavit with the District, signed by the owner of the premises, under which the owner assumes responsibility for any unpaid water charges resulting from the actuation and use of this service by a tenant. A sample affidavit will be supplied by the District, a copy of which is attached hereto as Appendix G.

6.01.01 **Use of an Active Service by New Tenant/Owner:** A person who takes possession of premises and uses water without applying for water service is liable for all water delivered from the date of the last recorded meter reading. If the meter is found inoperative, the quantity consumed will be estimated. If proper application for service is not made within forty-eight (48) hours after notification to do so, water service shall be disconnected without further notice.

6.01.02 **Tenant's Right to Have Service in Tenant's Name** [Updated 4/19/21]: Notwithstanding any other provision of this Article 6, a tenant has the right under applicable law and where all conditions are met to have the Service put in the tenant's name as specified in the District's Policy on Discontinuation of Residential Water Service for Non-Payment, set forth in Appendix L.

6.02 APPLICATION FOR SERVICE [Updated 4/19/21]

Each applicant for service is required to sign, on a form prescribed by the District, an application setting forth the following contents and limited to the purpose stated below:

6.02.02 **Information Required from Applicant:**

1. Legal Name of Applicant
2. Date of application
3. Location of premises to be served
4. Start date applicant would like to begin water service
5. Agreement to abide by District Rules and Regulations
6. Address to which bills are to be mailed or delivered
7. Home, mobile, and office telephone numbers
8. Email address
9. Social Security Number
10. Driver's License Number
11. Acknowledgment of District's security deposit requirements if service is subject to turnoff for reason of nonpayment of any billing rendered
12. Such other information as the District may reasonably require

Failure to complete and return a signed application, along with any required documents, within 14 working days will subject the service to disconnection and applicable reconnection charges without further notice.

6.02.02 **Purpose:** The application is merely a written request for service and does not bind the applicant to take service for a period of time longer than that upon which the minimum charge is based. In addition, the application does not bind the District to serve except under reasonable conditions and upon the approval of the General Manager.

6.02.03 **Establishment of Credit:** The District may require applicants for service to provide it with information sufficient to enable the District to determine the creditworthiness of the applicant. Upon determining the applicant's creditworthiness, the District may require the applicant to deposit with the District such sums of money as determined by the Board from time to time as specified in Appendix B, as a condition for obtaining service. A security deposit required for a new water service connection applicant shall be determined by the Board as specified in Appendix B, according to the consumer's classification and meter size.

6.02.03.01 **Single Family Residential Customers and Multiple-Unit Residential Customers in Dwelling Units with Individual Meters:** The District shall refund to a residential customer the amount held as a security deposit if the customer's account for the previous twelve months is free of any overdue notices or late charges. The security deposit refunds will be credited to the customer's account. No interest will be paid on deposits.

The District shall refund all residential customer security deposits at the termination of water service. The refunded security deposit shall first be applied toward the unpaid balances on any account held by the customer with the District before the remaining sum, if any, is refunded to the customer. No interest will be paid on deposits.

6.02.03.02 **Commercial, Industrial, Multiple-Unit Customers with Master Meters:** The District shall refund each security deposit to a commercial, industrial or multiple-unit customer at the termination of water service. The refunded security deposit shall first be applied toward the unpaid balances on any account held by the customer with the District before the remaining sum, if any, is refunded to the customer. No interest will be paid on deposits.

During the life of a customer's account, the District may require any customer, regardless of whether he or she was previously found to be creditworthy, to post a security deposit as specified in Appendix B any time there are three (3) assessed late charges within any consecutive six-month period.

6.02.03.03 **Pre-Payment Upon Disconnect for Non-Payment:** The Customer shall be required to deposit with the District such sums as specified in Appendix B in the event the customer's service is disconnected for non-payment as provided in Article 4.04.02.

6.02.03.04 **Waiver of Deposit:** Public Agencies will not be subject to the deposit requirements stated above.

6.03 **NEW CUSTOMER APPLICATION ADMINISTRATIVE CHARGE**

Applicants for service shall pay the District a new customer application administrative charge as determined by the Board from time to time. Such charges are set forth in Appendix B.

6.04 **REFUSAL TO SERVE**

6.04.01 **Conditions for Refusal:** The District may refuse to serve an applicant for service under the following conditions:

6.04.01.01 The applicant fails to comply with any of the rules and regulations contained herein.

6.04.01.02 The intended use of the service is of such a nature that it will be detrimental or injurious to existing customers.

6.04.01.03 The applicant's installation for utilizing the service is unsafe or hazardous in the judgment of the District, or of such nature that satisfactory service cannot be rendered, or exceeds the normal capacity of the meter service.

6.04.01.04 Where service has been discontinued for fraudulent use, the District will not serve an applicant until it has determined that all conditions of fraudulent use or practice have been corrected.

6.04.01.05 The applicant is not the owner of the premises that will be provided with service where a prior tenant has left an unpaid balance for water charges. This condition for refusal to serve may be waived if the applicant elects to pay any outstanding water charges at the premises.

6.04.02 **Notification to Applicant:** When an applicant is refused service under any of these provisions, the District will notify the applicant promptly of the reason for the refusal to serve and of the right of applicant to appeal the District's decision.

6.05 **WATER SERVICE CONNECTIONS** [Updated 4/19/21]

For those premises that do not have an existing service connection, the applicant will be charged for the installation and material costs for a service connection in accordance

with Appendix B. In addition, the applicant must pay the Capacity Charge as set forth in Articles 6.06. If such a connection requires an extension of the District's mains, the applicant must also pay the costs of main extension as set forth in Article 6.07. In all cases, the applicant shall contribute for any existing mains and public fire hydrants as set forth in Article 6.07. In instances where such additional charges are due, credit will be allowed for any such previous payments made by either the applicant, owner, or their predecessors. In order to ensure the ability of the District to collect these increased charges where applicable, the size of any such meter service and/or the area it serves, the property's zoning classification, or actual use shall be determined by the General Manager. Such determination by the General Manager will be final.

- 6.05.01 **Size:** The District reserves the right to determine the size of the service connection, the service pipe, the water meter, and the type and size of any backflow preventer or other appurtenances required for the installation.
- 6.05.02 **Location:** Service will be installed at locations designated by the applicant, but only at curb and/or property lines of the property to be served abutting upon a public street, highway, alley, lane, or road (other than a freeway) which contains an installed water main of the District.
- 6.05.03 **Looped Metered Connections:** Service provided to a location that has its own distribution system that is looped and connected to District facilities by two (2) or more meters shall be provided with an approved type backflow prevention device immediately downstream of each metered connection per Article 8.
- 6.05.04 **Payment and Ownership:** Where a regular charge has been fixed for a type of service connection, such regular charge shall be paid in advance by the applicant. Where no regular charge has been fixed, the District will require the applicant to deposit an amount equal to the estimated cost of such connection as determined by the General Manager. If the General Manager's estimate is less than the actual cost, the applicant shall pay the difference to the District and, if the actual cost is less than the estimate, the District will refund the difference to the applicant. All service connections, meters, and measuring devices shall become and remain the property of the District.
- 6.05.05 **Changes in Service Connection/Meter Size or Use:** Payment of the current charges for the Capacity Charge will be required upon the occurrence of any of the following:
 - 6.05.05.01 The alteration or increase in size or flow requirements of a service connection.
 - 6.05.05.02 The service of any area, adjacent property, or property of different ownership not served at the time of the original commencement of service.

- 6.05.05.01 The increase of use by reason of land zoning reclassification or actual physical use of the land or structures thereon.

6.05.06 **Limitations of Use of Service Connections:**

- 6.05.06.01 **Number of Units and Land Area:** To the extent permitted by law, the District reserves the right to limit the number of buildings, separate houses, living or business quarters, and the area of land under one ownership to be supplied by one service connection.
- 6.05.06.02 **After Subdivision:** When property provided with a single service connection is subdivided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters.
- 6.05.06.03 **Supplying to Other Property:** Except by special permission by the District, no service connection shall be used to supply adjoining property belonging to a different owner, or adjoining property acquired by the original applicant or owner subsequent to installation of the original service connection, or to supply property of the same owner on opposite sides of a public street or alley, or to supply water to any property for which the Capacity Charge shall not have previously been paid to the District.
- 6.05.06.04 **Supplying Outside District:** No service connection will be used to supply water received from the District to property outside the District.

6.06 CAPACITY CHARGE

A fee imposed by the District for: (a) public water facilities in existence at the time the fee is imposed; or (b) new public water facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged. This charge is in addition to any and all other charges and requirements set forth by the District and will be deposited in a special fund known as the capacity charge fund; monies from this fund are to be utilized for the construction of potable and recycled water system expansion and improvements, conservation projects, recycled water irrigation retrofits, and for any other related use that is approved the Board

- 6.06.01 **Determination of Charges:** The capacity charge is computed on the basis of equivalent meters. The charge shall be determined based on the meter requirements for the type of development. The charges shall be as set forth in Appendix C
- 6.06.02 **Credits:** In instances where there is a modification of service or change in fixture units previously paid by the owner or predecessor, the amount of such previously paid charge will be credited against the current charge based on current or proposed modification of service.

6.07 MAIN EXTENSIONS

If an applicant's property does not front upon an existing distribution main of the District, such applicant shall, in addition to any and all other charges, be required to pay the cost of a main extension of a size to be determined by the General Manager. The size of the extended main may be larger than that required to serve the applicant, in which case the District shall bear the difference in cost between the larger size and the size required to serve the applicant as described in Article 6.08. In addition, the cost may include the cost of providing a circulating line to avoid a dead-end line if deemed necessary by the General Manager.

6.07.01 **Payment of Costs:** Prior to construction by the District, the applicant shall deposit an amount of money equal to the District's cost estimate for the work. Upon completion of construction, the applicant will be charged the actual cost and the difference shall be refunded or billed to the applicant.

6.07.02 **Water Main in a Private Street:** The District will not install a water main in a street which is not formally dedicated to public use unless the following conditions are met:

6.07.02.01 Applicant grants to the District a non-exclusive easement or easements for the installation, maintenance, and replacement of water lines and appurtenances required for such service as determined by the General Manager on an approved District form. Size and location of said easement(s) shall be determined by the Planning and Engineering Department. Format for the legal document shall be on an approved District form. In most instances, a grant of easement shall be provided to the District at no cost.

6.07.02.02 The General Manager approves the easement and the application for service.

6.07.03 **Water Main in Private Property:** The District will not install a water main in private property unless the following conditions are met:

6.07.03.01 Applicant grants to the District a non-exclusive easement(s) for the installation, maintenance, and replacement of water lines and appurtenances required for such service. Size and location of said easement(s) shall be determined by the Planning and Engineering Department. Format for the legal document shall be on an approved District form. In most instances, a grant of easement shall be provided to the District at no cost.

6.07.03.02 The General Manager approves the easement and the application for service.

6.08 CONTRIBUTIONS FOR EXISTING FACILITIES

Wherever any water line of the District constructed exclusively by the use of Acreage Supply Charge Funds now exists, or is hereafter placed adjacent to any parcel of property through which water may be served to parcels abutting on said line, in addition to the Acreage Supply Charge herein provided to be paid, there shall be paid at the time service is required to such parcel a contribution on the existing main and other facilities, such as hydrants, as determined by the District, based on the size which would be required to serve the parcel. The calculation of the contribution for existing facilities shall be based on the Front Footage Charge as set forth in Appendix B. The General Manager shall be responsible to determine the size of water main necessary for the development.

Where there is an existing distribution main in the public street from which a corner lot may receive water service from the District and a service connection is requested (except by a subdivider, who shall be required to pay the entire expense of the necessary main extension, including a circulating line) beyond the said corner lot and said requested service connection requires an additional main extension, the District will install, at its expense, the said necessary water main for the width of the said corner lot, or one hundred twenty-five (125) feet, whichever is the shorter distance. Distances shall be measured from the front lot line of the corner lot.

6.09 MAINLINE OVERSIZING

The District reserves the right to oversize any of the water mains which serve a property or planned development. The portion of the main which is considered oversized will be determined by the District on the basis of the difference between the size of the main required to serve the development and the size that the District requires.

In such a case, the District will bear the difference in cost as follows:

6.09.01 **12-Inch Mains and Smaller:** The District will pay for the difference in the cost of materials between the size required for the development and the larger size of pipe, valves, fittings, and other appurtenances determined by the District for satisfactory operation of the system. Such difference in cost will be determined by the District.

6.09.02 **Larger than 12-Inch:** The District's cost of the materials oversizing will be the same as Article 6.09.01. The District will also bear the difference in cost of the labor on a pro-rata basis on main diameter as determined by the District.

6.10 DEAD-END LINES

No dead-end lines shall be permitted except at the discretion of the General Manager. In cases where circulation lines are necessary, they shall be designed and installed by the District as part of the cost of the main extension and paid for by the developer in accordance with Article 6.07.

6.11 PROVISION OF SERVICE

The District shall not be obligated to provide water service to any applicant for water service until any and all fees, charges, and past-due assessments owing to the District and associated with the parcel, for which water service is being sought, have been paid in full.

- END OF ARTICLE 6 -