

specifications to the Board at the next regularly scheduled Board meeting, provided that the meeting is at least fourteen (14) days from the date of approval by the engineer. If the plans and specifications are approved less than fourteen (14) days before the next regularly scheduled meeting, the plans and specifications will be presented to the Board at the first regularly scheduled meeting following the next meeting. However, if the need arises the General Manager may defer the presentation to the Board for up to two (2) public meetings of the Board, provided that any public meeting within fourteen (14) days of submission is not counted as a meeting of the Board for the purpose of this clause. Notwithstanding the foregoing, the Board's approval does not demonstrate, or imply, any partnership between the District and any party. Additionally, the Board's approval shall not act as a guarantee of constructability and the District shall not be liable for any occurrence which results directly, or indirectly, from the Board's approval.

- I. Before commencing work the applicant shall furnish all bonds and written warranties the Board may require under the conditions the Board sets forth, including, but not limited to, the furnishing of faithful performance bonds, completion bonds, and maintenance bonds. In addition, the applicant

must provide an Indemnity and Guaranty Agreement for a period to be determined by the District with a corporate surety acceptable to the District guaranteeing the system is free, and shall in the future be free, from all defects.

- m. Perform all installation work in accordance with the plans and specifications as approved by the Board and as inspected and approved during construction by the engineer for the District. Upon completion of the installation, the improvements shall be conveyed to the District free and clear of all liens and encumbrances and shall become the property of the District. The applicant shall not be entitled to repayment of any of the cost of installation, inspection or other charges made to connect the same with the District water system other than the right against future subdividers of a pro-rata reimbursement as hereinabove provided.
- n. Any user connecting to any extension of the District water system constructed pursuant to this section shall be required to make the usual application to the Board for individual connections for water service and shall pay the applicable charges provided for in the then current Water Rates Resolution. Until such extension has been accepted by the District and application for water service duly made, no service connection shall be made to such extension or user.

- o. District reserves the right to expand upon or limit the requirements set forth in this section as it sees fit in accordance with the needs of the particular project and may do so by contract or resolution. Said expansions shall include, but are not limited to, a requirement that the developer pay all connection charges associated with the properties to be serviced by the District within the subdivision in advance. In the event of said expansion, the specific provisions of the expanding contract or resolution shall govern if an express and direct conflict exists between said documents and this Ordinance.

## **SECTION 4**

### **Conditions and Regulations**

#### **Related to Service**

- 3-6-4-1 District Ownership of Facilities:** All service connections, main extensions and installations paid for by applicants and all other facilities furnished by the District, whether located wholly or partially on public or private property, shall be and remain the property of the District, which shall have the right to repair, replace and maintain the same and the right to remove the same upon discontinuance of service, regardless of circumstances bringing about the discontinuance of service. The exception being that

water lines which extend past the water meter and/or service shut-off valve and connect the premises, or unit, to the water system shall be the sole responsibility of the owner of the premises.

**3-6-4-2 Metered Connections:** Water service shall be supplied through a water meter installed by the District, or under the District's supervision. Properties which do not currently have a meter will be required to, and the District will, install a water meter upon any change in customer at the property.

**3-6-4-3 Protection of Service Facilities and Meters:** It shall be the responsibility of the customer to keep the service facilities and meter free from vandalism and damage from negligence or neglect or unauthorized use or tampering.

**3-6-4-3 Placement of Service Facilities and Meters:** The District shall have the sole and absolute right to determine the placement location of District facilities and meters. Wherever possible, facilities and meters will be located on public right-of-way adjacent to the boundary of the parcel being served. Where this is not feasible, the meter will be located within the parcel being served. The customer shall, as a condition of service, keep the metering installation uncovered and reasonably accessible for reading and maintenance. In the event the District utilizes automated meter reading procedures, the Customer shall provide any easement required for cables or other equipment required for such

procedures. It is the responsibility of the Customer to keep the meter free from vandalism, damage from negligence or neglect or unauthorized use or tampering.

**3-6-4-4 No Charges for Placement of Service Facilities:** No rent or other charge shall be paid by the District for any facilities, or meters, located on a user's property nor shall the placement of such facilities, or meters, on a user's property indicate any ownership rights in said facilities, or meters, by the owner of the property.

**3-6-4-5 Change of Meter Location:** When a user requests relocation of an existing meter or service connection for the customer's convenience, the General Manager may grant, or deny, the request at his/her sole discretion. If the request is granted, the relocation costs shall be borne by the user and a deposit in the sum of the anticipated costs shall be required prior to the relocation.

**3-6-4-6 Meter Sizing:** The District's General Manager shall have the sole and absolute right to determine the correct meter size or sizes.

**3-6-4-7 Change of Meter Size:** When a user requests change in size of an existing meter or service connection, the General Manager may grant, or deny, the request at his/her sole discretion, provided that the General Manager shall consider the request on the same basis as sizing a meter for a new service. If the request is granted, the

resizing costs shall be borne by the user and a deposit in the sum of the anticipated costs shall be required prior to the resizing.

**3-6-4-8 Meter Testing:** Meters will be tested by the District upon written request and payment of a fee as set forth in the then current Water Rates Resolution. Meters will generally be removed for testing within 10 working days after receipt of request and payment of the fee. In the event it is determined that the meter was over-reading (reading greater than the actual quantity of water consumed by a factor of 4%, which is the industry standard for water meter accuracy), the fee shall be refunded to the customer. No portion of the fee shall be refunded in the event it is determined that the meter was reading accurately or under-reading. Payment of the fee will not be required in cases in which the District elects to replace the meter in lieu of testing such meter as requested. Notwithstanding the foregoing, the District reserves the right to limit meter testing to once in a six month period if the prior meter testing shows no abnormalities.

**3-6-4-9 Erroneous Meter:** When the District shall find a meter to be stuck or under registering, the customer shall be charged on the basis of minimum water used by the customer during any equal period of time during the preceding year. If the customer was not receiving water in the preceding year the District shall charge the owner in accordance with the minimum water used by the

customer's parcel during any equal period of time during the preceding year. With that said, if some unusual circumstance exists which would indicate that the minimum water used by the customer's parcel during any equal period of time during the preceding year was unusually high, the District shall charge the owner in accordance with the minimum water used during an equal time period by average District customer with a similar use and demand.

**3-6-4-10 Prohibition on Cross Connections:** No water pipe, or other apparatus, on any user's premises shall cross-connect the District water system with any other source of water supply. Whenever there exists on any users' premises another source of water supply which has not been approved by the Department of Health Services of the State of California and the County of Kern (acting as the District's agent for implementing its cross connection program) as safe and potable for human use or whenever a user's premises is engaged in industrial purposes or producing processed waters or liquid industrial wastes or in handling sewage or any other dangerous substances, the District may refuse or discontinue service until there has been installed on the user's service pipeline a suitable and approved backflow prevention device of a design approved by said Department of Health Services and the County of Kern and installed at the expense of the user in a manner approved

by the District and in a location that is readily available to the District for periodic inspection, for the purpose of protecting against backflow of water from the user's premises into the District water system. Additionally, the District shall have the right to inspect the check valve at any time between the periodic inspections. A violation of this provision by a user shall be deemed a violation of this Ordinance and shall result in the immediate discontinuance of the service. Additionally, the District reserves the right to, and may, move forward with any applicable civil remedies and penalties related to the nuisance and damages caused by the persons activities.

**3-6-4-11 Electrical Discontinuity:** The District will not provide a continuous circuit through meters or service piping. Users are advised not to rely on any water supply facilities for electrical grounding. The District may hold the user liable for any damage to the water system resulting from use of the system as a grounding circuit, whether intentional or otherwise.

**3-6-4-12 Limitation on District Liability:** The District's liabilities shall be limited to the fullest extent permitted by Law. Additionally, the District shall not be responsible for any loss or damage caused by any negligence or unlawful act of any user or other person in installing, maintaining, supplying or using any appliances, facilities or equipment for which water or water service is furnished by the



District.

- 3-6-4-13 User Responsibility and Liability:** Each user shall be held responsible for damage to the District's property comprising any part of the District water system which results from use or operation of any appliances or facilities on such user's premises, including, without limiting the generality of the foregoing, damage caused by steam, hot water or chemicals.

## SECTION 5

### Applicants Outside the District Boundaries

- 3-6-5-1 Refusal of Service Request Outside District Boundaries:** The Board may refuse use of the District water system to any applicant whose property is located outside the boundaries of the District. The Board may also refuse use of the District water system to any applicant within the District where the Board determines it would be infeasible to serve such applicant.
- 3-6-5-2 Recovery of Special Costs Related to Extra Territorial Service:** The applicant shall be responsible for, and shall pay in advance, any and all costs associated with providing a service outside the District boundaries that are not included in the costs of an in District connection. Said additional costs shall include, but are not limited

to any and all costs associated with achieving LAFCO approvals.

## SECTION 6

### Temporary Metered and

### Hydrant Meter Services

- 3-6-6-1 Use of Fire Hydrants:** Fire hydrants are for use by organized fire protection agencies. Other parties desiring to use fire hydrants for any purpose must obtain written permission prior to said use from the General Manager.
- 3-6-6-2 Temporary Real Estate Service:** The District may at its discretion, and if no undue hardship to its existing users will result therefrom, furnish temporary twenty-four (24) service through a service connection if requested to do so. The charges and required deposit for such a temporary connection shall be paid in advance as provided for in the then current Water Rates Resolution. The applicant for such service will be required to follow all District ordinances, rules and regulations as may additionally be augmented by the agreement entered into by and between the applicant and the District for the temporary service.
- 3-6-6-3 Temporary Hydrant Metered Water Service:** The District may, at its discretion and if no undue hardship to its existing users will result therefrom, furnish temporary hydrant metered water service under the following conditions:

- a. The applicant will be required to follow all District ordinances, rules and regulations as may additionally be augmented by the temporary hydrant metered water service contract entered into by the user and the District;
- b. The user shall agree to and pay to the District, in advance, the estimated net cost of installing and removing the facilities necessary to furnish the service including the hydrant water meter;
- c. All facilities installed under this section shall remain the sole property of the District;
- d. The applicant will be required to provide a security deposit in an amount established in the then current Water Rates Resolution. Said Deposit will be held by the District in a special fund and will be returned without interest upon discontinuance of service provided that no outstanding charges remain on the account, including any penalties and charged costs or damages associated with violations of District ordinances, rules and regulations.
- e. In the event a user of a hydrant meter service violates any District ordinances, rules and regulations as may additionally be augmented by contract with the user, such a violation shall be deemed a violation of this Title punishable pursuant

to the provisions of Section 1 of Chapter 4 of this Title.

- f. All contracts for hydrant meter service shall include a provision which shall set a civil penalty in an amount provided for in the then current Water Rates Resolution for the taking of water by the user through a bypass of the hydrant meter or at any point along the District service system other than the metered connection provided to the user for such purpose. Additionally, such a violation shall be deemed a violation of this Title resulting in the immediate discontinuance of service to the user and the District shall deem such a violation to be a criminal act suitable for notification of the local prosecuting authority.

TITLE 3 WATER SERVICE RULES AND REGULATIONS

CHAPTER 7: MISCELLANEOUS PROVISIONS

- SECTION 1: Shortages of Supply, Service Interruptions or Excessive Pressure
- 3-7-1-1 No Guarantee of Service
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**SECTION 1**

**Shortages of Supply, Service Interruptions  
or Excessive Pressure**

**3-7-1-1 No Guarantee of Service:** The District will exercise reasonable diligence to provide continuous and adequate water service to users and to avoid any shortage or interruption of water delivery.

However, the District cannot, and does not, guarantee complete freedom from shortage or interruption.

**3-7-1-2 Right to Suspend Water Service:** The District shall have the right to suspend water service temporarily to make necessary repairs or improvements to the District's water system. In each case of temporary suspension of service, the District will make reasonable efforts to notify the users affected as soon as circumstances permit and will prosecute the work of repair or improvement with due diligence.

**3-7-1-3 Period of Threatened or Actual Water Shortage:** During any period of threatened or actual water shortage, the District shall have the right through a resolution or ordinance to apportion its available water supply among users in such a manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Failure by a user, or other individual, to abide by the District's apportionment shall be deemed a violation of this Title subject to the provisions set forth in Section 1 of Chapter 4 of this Title. Additionally, such a violation may be subject the user to immediate discontinuance of service.

**3-7-1-4 Water Shortage Regulations:** The Board may adopt, from time to time, water shortage regulations by resolution or ordinance. Said regulations shall be kept on file at the District's office and a violation of those regulations shall be deemed a violation of this Title subject

to the provisions set forth in Section 1 of Chapter 4 of this Title. Additionally, such a violation may be subject the user to immediate discontinuance of service.

**3-7-1-5 No Guarantee of Pressure:** The District shall not be liable for interruption, shortage or insufficiency of water supply or insufficient or excessive water pressure, or variations in water quality or any loss or damage occasional thereby.

**3-7-1-6 Pressure Reducing Valve:** An adequate pressure reducing valve may be necessary on the user's service line to control water pressure. Installation, maintenance and the determination of whether there is a need for an individual pressure regulating valve will be the sole responsibility of the user.

## SECTION 2

### Temporary/Vacation Disconnections

**3-7-2-1 Request For Temporary/Vacation Disconnections:** Users may request that the District temporarily shut-off water service to their premises at any time and for any duration. However, such service disruptions and reconnections shall only be accomplished during normal District operating hours and the user shall agree to hold the District harmless for any problems that may arise from the disconnection and reconnection of service to the user's water system. Furthermore, unless expressly requested by the user, the



District shall not lock off the water meter in question. The costs, if any, for such service shall be provided for in the then current Water Rates Resolution. It should be noted that during the time period that the service has been shut-off, the service shall still be subject to the monthly readiness to serve charge set forth in Section 3 of Chapter 3 this Title.

### SECTION 3

#### Tampering With District Property,

#### Improper and Unauthorized Connections

**3-7-3-1 No Unauthorized Operation of Curb Cocks or Ball Valves:**

No one except an authorized District employee shall, at any time, in any manner, operate the curb cocks or valves or water main valves or pumps within the District's system or interfere with meters or their connections or parts of the water distribution system. The only exception to this rule is the allowance of an individual to shut off a water service in time of an emergency to prevent property damage from a broken water line, in which case the District must be notified immediately. A violation of this Section shall be deemed a violation of this Title subject to the provisions set forth in Section 1 of Chapter 4 of this Title.

**3-7-3-2 Unauthorized Removal of a Locking Device:** Any person who cuts off a locking device placed upon a meter by the District shall

be responsible for the costs of said damages to District property and shall be charged the sum provided for in the then current Water Rates Resolution for such damages. Additionally, such an action shall be deemed a violation of this Title resulting in the immediate discontinuance of service. Moreover, the District may move to prosecute such actions under the provisions of Section 1 of Chapter 4 of this Title and/or section 497 of the California Penal Code.

**3-7-3-3 Penal Code Section 497:** Any person tampering with District property or otherwise violating this section is reminded that in addition to the penalties set forth in this Title, section 497 of the California Penal Code provides in part:

(b) Any person who, with intent to obtain for himself or herself utility services without paying the full lawful charge therefor, or with intent to enable another person to do so, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids, or abets any of the following shall be guilty of a misdemeanor:

(1) Diverts or causes to be diverted utility services, by any means.

(2) Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means.

(3) Tampers with any property owned by or used by the utility to provide utility services.

(4) Makes or causes to be made any connection with or reconnection with property owned or used by the utility to provide utility services without the authorization or consent of the utility.

(5) Uses or receives the direct benefit of all or a portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of that use, or that the use or receipt was otherwise without the authorization or consent of the utility.

(c) In any prosecution under this section, the presence of any of the following objects, circumstances, or conditions on premises controlled by the customer or by the person using or receiving the direct benefit of all or a portion of utility services obtained in violation of this section shall permit an inference that the customer or person intended to and did violate this section:

(1) Any instrument, apparatus, or device primarily designed to be used to obtain utility services without paying the full lawful charge therefor.

(2) Any meter that has been altered, tampered with, or bypassed so as to cause no measurement or inaccurate measurement of utility services.

(d) If the value of all utility services obtained in violation of this section totals more than nine hundred fifty dollars (\$950) or if the defendant has previously been convicted of an offense under this section or any former section which would be an offense under this section, or of an offense under the laws of another state or of the United States which would have been an offense under this section if committed in this state, then the violation is punishable by imprisonment in a county jail for not more than one year, or in the state prison.

(e) This section shall not be construed to preclude the applicability of any other provision of the criminal law of this state.

**3-7-3-4 Unauthorized Additional Connections:** No user shall furnish water through its connection to more than one dwelling unit, house, building, living quarters or business unless expressly granted the right to do so by the District in writing. A violation of this Section shall be deemed a violation of this Title subject to the provisions set forth in Section 1 of Chapter 4 of this Title. Moreover, the District may move to prosecute such actions under the provisions set forth in Section 1 of Chapter 4 of this Title and/or section 497 of the California Penal Code. Additionally, such a violation shall result in additional charges and back charges being assessed against the user and the properties in question.

#### SECTION 4

##### Involuntary Removal of Water Meters and Service, Requirements of Reconnection Requests

**3-7-4-1 Involuntary Removal of Water Meters:** At the discretion of the District, a user's water meter and service may be completely removed by the District if the user repeatedly refuses to abide by and/or violates District ordinances, rules and/or regulations.

a. Before the District proceeds with such a disconnection, except as provided for in Section 1 of Chapter 4 of this Title,

the District shall provide a forty-eight (48) hour notice to the user by personal contact, phone call or door hanger notice that they are facing complete removal of their meter and service if the ordinance, rule and/or regulation violation is not rectified by the date provided for in the notice and that any future violations of the same or similar ordinance, rule and/or regulation may result in the immediate removal of their service.

- b.** Upon the passage of the noticed date without the correction of the ordinance, rule and/or regulation violation, or immediately upon a future violation of the same or similar ordinance, rule and/or regulation after a notice has been previously sent to the user in violation, the General Manager is empowered to, and shall, immediately remove the service entirely without any further notice being provided.
- c.** Any user and/or property whose service has been removed in conformance with this section must approach the Board with a request that service be reconnected before such a reconnection of service may be accomplished. Such a request is to be presented to the General Manager at least ten (10) days before the date of the next public meeting of the Board for a hearing to be set at that Board meeting. In instances where the request is presented less than ten (10)

days before the next public meeting of the Board, the hearing will be set for the next following public meeting of the Board. Nothing herein provided in this Ordinance is to be construed to require that the District call a special meeting of the Board to address a reconnection request and the hearing on a reconnection request shall be postponed to the next public meeting of the Board in the event a quorum of the Board is unable to attend the hearing.

- d. Upon receipt of a request that service be reconnected, the General Manager, or his duly authorized representative shall immediately notify all persons affected by such a request of a hearing on the request. The General Manager shall direct staff to mail notification, postage prepaid, to all such persons whose addresses are known to the Board of Directors. Failure of a party to receive notice shall not invalidate the proceedings or any determination reached by the Board as a result of the hearing.
- e. Upon receipt of a request that service be reconnected, the General Manager, or his duly authorized representative, shall prepare a report on the circumstances leading to the removal of service and any corrective action taken since the removal. Additionally, the report shall provide the Board with the General Manager's recommendations, if any, as to the

matter before the Board.

- f. The Board will hear such requests for reconnection in a hearing conducted in open public session. The Board may limit the presentations as practical and needed given the circumstances before the Board and the hearing may be continued as the Board sees fit.
- g. At the hearing, the appellant shall have the right to be represented by counsel, or any agent the appellant chooses. The appellant shall have the right to address the Board and to present testimony and any relevant evidence to the issue at hand.
- h. Following the hearing, which may be continued at the Board's discretion, the Board of Directors shall render a decision which will be recorded into the minutes of the hearing. Unless waived by the appellant, the District will provide written notification of the Board's decision. The Board's decision shall be final.
- i. In the event the Board was to grant a request for reconnection after a service has been completely removed under the provisions of this section, the Board may require and enter into special rules and regulations by contract with the user and/or property in question. Additionally, the user and/or property owner will be required to pay all past due

bills, if any , and all applicable charges and penalties associated with the service disconnection in addition to a reconnection fee which will be provided for in the then current Water Rates Resolution.

- j. In the event a user's and/or property's service were reconnected by someone other than an authorized agent of the District, after the District has already locked off the service connection in accordance with the provisions of this Ordinance and/or other applicable resolution or contract, including, but not limited to, lock offs for failure to pay and/or violations of District ordinances, rules and/or regulations, the General Manager is hereby empowered upon discovery of such a reconnection to immediately remove the user's and/or property's entire service including, but not limited to, the water meter itself. In the event of such a disconnection, the user and/or property will be required to approach the Board with a request that service be reconnected before such a reconnection of service may be accomplished. The District in such situations reserves the right to refuse any future service to the user and property so disconnected.
- k. In the event the Board was to grant a request for reconnection after a service has been completely removed under the provisions set forth in Section 1 of Chapter 4 of



this Title, the Board may require and enter into special rules and regulations by contract with the user and/or property in question. Additionally, the user and/or property owner will be required to pay all past due bills, if any, and all applicable charges and penalties associated with the service disconnection in addition to a reconnection fee which will be provided for in the then current Water Rates Resolution.

## SECTION 5

### Duty to Preserve District Easements

#### & County Rights of Way

- 3-7-5-1 Right to Maintain and Access District Facilities:** All District facilities installed or located on private property for the purpose of rendering service shall remain the property of the District and may be maintained, repaired or replaced by the District without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of facilities on private property. No person shall place or permit the placement of any object in a manner which will interfere with the free access to a meter box or will interfere with the reading of a meter.
- 3-7-5-2 Prohibition of Obstructions Across Easements:** At no time, and under no circumstances, may an owner, occupant or other

person place obstructions across the District's easements or County Rights of Way utilized for current or future water line placements or storm drainage. A violation of this section shall be deemed a violation of this Ordinance resulting in the immediate discontinuance of service.

**3-7-5-3 Declaration of Nuisances in Regards to Obstructions:** In addition to any other remedies provided in law for encroachment upon such easements and rights of way, the District reserves the right to declare any such obstructions a nuisance and to remove such obstructions as it sees fit and to charge the owner of the property for such removal.

**3-7-5-4 Charges for Remove of Obstructions:** Any charge associated with the failure to remove such obstructions shall be charged to the owner and will be collected in the same manner as other District charges. Failure to pay said charges may result in the termination of District services to the user and/or property and collection proceedings in accordance with Section 8 of Chapter 3 of this Title.

## SECTION 6

### Appeals

**3-7-6-1 Right to Appeal:** Any person who shall have a right to appeal as provided for in any section of this Title or who shall be dissatisfied with any determination hereafter made hereunder by the General

Manager may, at any time within thirty (30) days after such determination, appeal to the Board of Directors by giving written notice to the General Manager and to the Secretary of the Board of Directors, setting forth the determination with which such person is dissatisfied.

**3-7-6-2 Board's Right to Initiate Review:** The Board of Directors may, at any time, upon its own motion, initiate a review of from any determination made by the General Manager ("Board Review").

**3-7-6-3 Date of Public Hearing:** In the event of an appeal and/or Board Review under Paragraphs 1 and/or 2 of this Section, the General Manager shall notice and place the matter for a hearing before the Board at its next public meeting so long as the appeal was received by the General Manger at least ten (10) days before said hearing. In the event, the appealing party fails to request an appeal at least ten (10) days prior to the next public meeting of the Board the matter will be placed upon the next following public meeting of the Board.

**3-7-6-4 Special Meeting for Purpose of Hearing an Appeal:** In limited circumstances if the need arises and in accordance with any then applicable laws, the Board President may, at his or her discretion, call for a special meeting to hear an appeal and/or Board Review. However, nothing herein provided in this Ordinance is to be construed to require that the District call a special meeting of the

Board to address an appeal and/or Board Review.

**3-7-6-5 Notice of Public Hearing:** Upon setting the matter for a public hearing, the General Manager shall immediately cause notice to be given to all persons affected by such appeal and/or Board review, of the time and place fixed by the Board of Directors for hearing such appeal and/or Board Review. The General Manager shall direct staff to mail notification, postage prepaid, to all such persons whose addresses are known to the Board of Directors. Failure of a party to receive notice shall not invalidate the proceedings or any determination reached by the Board as a result of the hearing.

**3-7-6-6 General Manager's Report:** Upon setting the matter for a public hearing, the General Manager shall prepare, or direct the preparation of, a report for the Board outlining the issues involved in the matter. The report shall additionally state the General Managers recommendations to the Board, if any.

**3-7-6-7 Appeals Regarding Propriety of Charge or Bill:** In event the appeal is regarding the propriety of a charge or bill, pending decision upon any appeal relative to the amount of any charge or bill hereunder, the person making such appeal shall pay such charge or bill. After the appeal is heard, the Board of Directors shall order refunded to the person making such appeal such amount, if any, as the Board of Directors shall determine should be refunded.

**3-7-6-8 Right to be Represented by Counsel:** At the hearing the appellant shall have the right to be represented by counsel, or any agent the appellant chooses. The appellant shall have the right to address the Board and to present testimony and any relevant evidence to the issue at hand.

**3-7-6-9 Public Nature of Appeals Hearing:** Said appeals hearings shall be public and shall take place at a noticed public meeting of the Board, unless, and only if, applicable State law on open meetings provides otherwise.

**3-7-6-10 Continuance of Hearing:** In the event, a quorum of the Board is unable to attend the public meeting of the Board at which a hearing is to be held, the appeal will be continued to the next public meeting of the Board.

**3-7-6-11 Decision of the Board:** Following the hearing, which may be continued at the Board's discretion, the Board of Directors shall render a decision which will be recorded into the minutes of the hearing. Unless waived by the appellant, the District will provide written notification of the Board's decision. The Board's decision shall be final.

## SECTION 7

### Disposition of Revenues and Uses

#### To Which Revenues Shall Be Applied

- 3-7-7-1 General Funds of the District:** All unrestricted revenues from the District water system shall be deposited in the established General Funds of the District.
- 3-7-7-2 Restricted Funds of the District:** All restricted revenues from the District water system shall be deposited in the established Restricted Funds of the District and said funds shall only be used for the purposes to which they are restricted.

## SECTION 8

### Validity

- 3-7-8-1 Severability Clause:** If any provision of this Title, or the application thereof to any person or circumstance, is held invalid, no other provision of this Title shall be affected thereby.

## SECTION 9

### Provisions to This Ordinance Subject to

#### Conditions of Annexation Ordinances

- 3-7-9-1 Conflict with Annexation Agreements:** If any provision of this Title, or the application thereof to any person shall be inconsistent with or contrary to any condition of annexation set forth

in any contract, agreement, ordinance, or resolution, heretofore or hereafter adopted by the Board of Directors providing for the annexation of any territory to the District, then such provision of this Title shall be subject to such condition of annexation and such condition of annexation rather than such provision of this Title shall govern or shall apply to such person.

## SECTION 10

### Repeal of Conflicting Ordinances

**3-7-10-1 Primacy of Provisions Herein:** Unless otherwise provided for, any ordinance, or part of an ordinance, or resolution, or part of any resolution, found to be in conflict herewith is to that extent superseded by this Title and repealed.

## SECTION 11

### Effective Date of Ordinance

**3-7-11-1 Effective Date:** This Title shall take effect 30 days after its adoption by the Board of Directors and will be published and posted in accordance with section 25124 of the Government Code.