

**RULES AND REGULATIONS
FOR WATER SERVICE
FOR THE
SANTA YNEZ RIVER WATER CONSERVATION
DISTRICT, IMPROVEMENT DISTRICT NO. 1**



Board Adopted: April 21, 2020

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**RULES AND REGULATIONS FOR WATER SERVICE
FOR THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO. 1**

Article 1 - GENERAL PROVISIONS

101. Short Title: These Rules and Regulations shall be known and may be cited as the Santa Ynez River Water Conservation District, Improvement District No. 1 Water Rules and Regulations.
102. Words and Phrases: For the purpose of this resolution, all words used in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number.
103. Separability: If any section, sub-section, sentence, clause or phrase of these Rules and Regulations is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of these Rules and Regulations.
104. Amendments: These Rules and Regulations may be amended, added to, or revoked in whole or in part at any meeting, regular or special of the Board of Trustees, by a two-thirds (2/3) vote of the Trustees present; provided that written notice of any proposed amendment, addition or revocation shall first delivered via US Postal Service, hand delivered, or E-Mailed to each Trustee at least (20) days prior to any such meeting.
105. Water System: The District will provide for a system, plan, works and any undertaking used for and useful in obtaining, conserving, producing, treating, and distributing water for public and private uses, including all parts of said system infrastructure, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises and other water supply, storage, treatment, and distribution facilities and equipment.
106. Pressure Conditions: All applicants for service connections or water service shall be required to accept such conditions for pressure as are provided by the distribution system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.
107. Tampering with District Property: No one, except an employee or representative of the Board shall at any time or in any manner: 1) operate the angle meter stop, corporation stop at the water main, water main or facility valves meter gate valves or ball valves (other than the Customer valve), of the District's system; or, 2) interfere with meters, service connections, water, water mains, fire hydrants, street or facility valves, or any other facility, building, or infrastructure associated with or as part of water system; 3) encroach on any District property, easement, or right-of-way where water system facilities or infrastructure is located.

108. Penalty for Violation: For the failure of the Customer to comply with all or any part of these Rules and Regulations, and any ordinance, resolution, or order fixing rates and charges of this District, a penalty for which has not hereafter been specifically fixed, the Customer's service shall be suspended and the water shall not be supplied to such Customer until the Customer shall have complied with the rules or regulations, rates or charges which the Customer has violated, or in the event that the Customer cannot comply with such rule or regulation, until the Customer shall have satisfied the District that in the future the Customer will comply with all the Rules and Regulations established by ordinance of the District and with all rates and charges of this District. In addition thereto, the Customer shall pay the District the sum of seventy-five dollars (\$75.00) for the re-establishment, reactivation, or restoration of such suspended water service.
109. Ruling Final: All rulings of the Board shall be final. All rulings of the General Manager shall be final unless appealed to the Board within five (5) days. When appealed, the Board's ruling shall be final.
110. Civil Remedies and Penalties.
- A. Civil Penalties. Any person, whether acting as principal, agent, employee, or otherwise, who willfully violates the provisions of these Rules and Regulations shall be liable for a civil penalty not to exceed Five Hundred Dollars (\$500) for each day such violation continues to exist.
 - B. Costs and Damages. Any person, whether acting as a principal, agent, employee, or otherwise, violating any provision of these Rules and Regulations shall be liable to the District for the costs incurred and the damages suffered by the District as a direct and proximate result of such violations.
 - C. Procedure. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator. *(Effective October 15, 1998 by Ordinance 98-1 adopted September 15, 1998)*
111. Criminal Actions and Penalties. Any person, firm, or corporation, whether as a principal, agent, employee, or otherwise, violating any provision of these Rules and Regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by (1) a fine not exceeding One Hundred Dollars (\$100) for the first violation, (2) a fine not exceeding Five Hundred Dollars (\$500) for a second or subsequent violation of the same provision within a twenty four month period. Each and every day during any portion of which any violation of these Rules and Regulations is committed, continued, or permitted by such person, firm, or corporation shall be deemed a separate and distinct offense. *(Effective October 15, 1998 by Ordinance 98-1, adopted September 15, 1998)*

112. Administrative Charge.

- A. Water Service Application Charge. In addition to any other fee or charge explicitly provided for in the Rules and Regulations, an applicant (including individuals, entities or agencies) shall pay an application charge to the District with each submitted Water Service Application for a new, expanded, or additional water service, modification to water service, Private Fire Protection water service, re-connection, main extension, annexation, meter modification, Can & Will or Existing Service determination, a permit compliance process, environmental documentation, a waiver, exception, exemption or relief from any of the District's Rules and Regulations based on special circumstances, a request for special studies or research, or for any other service provided by the District.
- B. Deposits. In addition to the Water Service Application charge provisions pursuant to Section 112.A, an applicant (including individuals, entities, or agencies) shall deposit at the time an application is submitted an amount sufficient to reimburse the District for reasonable administrative costs incurred by the District.

The General Manager is authorized to make an estimate of such administrative costs to determine the amount of any required charge and/or deposit, and is authorized to make a final determination of the actual amount of any such administrative charges, when, in the judgment of the General Manager may be necessary.

The General Manager is authorized to establish a Schedule of Administrative Charges including (a) a charge and/or deposit for the submission of an application to the District for any water service, and (b) a charge for certain types of routine services. In both cases the Administrative Charge shall be in an amount, which the General Manager determines will be sufficient to reimburse the District in accordance with this Article.

Administrative costs shall include but not be limited to the value of time spent by District employees and consultants, including attorneys and engineers, and any other cost or expense, the reimbursement of which is not otherwise provided for in these Rules and Regulations, incurred by the District in processing an application.

No action on an application shall be commenced until the appropriate water service application charge and/or deposit has been submitted to the District and no service or relief shall be provided until all such administrative charges are paid in full.

113. Public Entity Claims Against the District. Pursuant to the authority contained in Government Code section 935, the following claims procedures shall apply to those claims against the District for money or damages not now governed by state or local laws:

Notwithstanding the exemptions set forth in Government Code section 905, all claims for money or damages against the District when a procedure for processing such claims is not otherwise provided by state or local laws, shall be presented in the manner and within the time limitations specified by Government Code sections 910 through 915.2. Such claims shall further be subject to the provisions of Government Code sections 945.4 and 945.6 relating to the prohibition of actions in the absence of the presentation of claims and action thereon by the District.

Article 2 - DEFINITIONS

200. Agriculture is defined as a commercial or family farming enterprise whose business is to cultivate the land for growing plants and crops for food, fiber, biofuel or raw materials, or the breeding, feeding, and raising of animals, livestock or poultry for food or human consumption or fiber; all resulting in the marketing and sale of such products.
201. Agricultural Water Use applies to lands for the cultivation and production of crops and vines for food, fiber, biofuel or raw materials, or the breeding, feeding, and raising of animals, livestock and poultry for food or human consumption.
202. Agriculture Service Connection means the pipeline and appurtenant facilities - such as curb stop, meter, meter box and gate valve - used to extend water service from a distribution main to premises for irrigation use. Where services are divided at the curb or property line to serve several Customers, each branch service shall be deemed a separate service.
203. Applicant: Any individual, firm, partnership, corporation, or other entity owning land located within the District boundaries and applying for water service.
204. Board means the Board of Trustees of the SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO. 1. The Board is made up a five (5) elected members.
205. Cost means the cost of labor, material, transportation, supervision, engineering, legal, overhead and all other necessary expenses.
206. Cross-Connection means any physical connection between the piping system from the District service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the District distribution system.
207. Customer shall mean any individual, firm, partnership, private or public corporation, government agency, political subdivision, or other entity which has applied for and is currently receiving water service from the District's facilities and owns or occupies land located within the District boundaries and is the account holder by signature on the billing agreement card; all of which are subject to these Rules and Regulations.
208. Discontinuance of water service shall mean a Customer may request their water service account to be discontinued due to vacating the premises and/or change of Ownership, or other real property transaction modifying the water service account. The District retains the sole discretion to approve the *Discontinuance* of water service. Otherwise, all rates and charges shall remain in force and applicable to the Customer water service.
209. Distribution Main or Mains means water lines in streets, highways, alleys, and easements used for general distribution of water and for public and private fire protection.
210. District means the SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO. 1.

211. Domestic water applies to residential and commercial water use and means water for household purposes and commercial uses, such as for drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns and landscape, and personal vegetable or fruit tree gardens. Commercial water use applies to motels, hotels, restaurants, office buildings, businesses providing a service, schools, markets, car washes, golf courses, and institutions.
212. Domestic Service or Domestic Service Connection means the pipeline and appurtenant facilities - such as angle meter stop, meter, meter box and Customer-side gate valve - used to extend water service from a distribution main to premises for domestic or commercial consumption and uses. Where services are divided at the curb or property line to serve several Customers, each branch service shall be deemed a separate service.
213. Interruptible Water Service shall mean the District only has the discretion to cause the stoppage of any Customer's water service due to emergency, necessity, or temporary system shutdowns, insufficient supplies or water shortages, or any other reason, including for investigation of violations, for any length of time or duration, with or without notice to the Customer. Advance notice of interruption in service will be given if possible. Interruption of water service by the District does not result in a credit, deferral, or waiver of rates or charges.
214. Owner means the person owing the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of Ownership over same for himself, or an executor, administrator, guardian, or trustee of the Owner.
215. Point of Delivery for each Customer shall be at the meter, unless otherwise specified in writing by the District.
216. Point of Use shall mean the location at which water is used or consumed
217. Premises mean one or more contiguous lots or parcels of real property under one Ownership.
- 217.5 Dwelling Unit; Additional Dwelling Unit.
- A. Dwelling Unit means a building or portion thereof designed for separate, independent living accommodations and occupied in whole or in part as a residence or sleeping place either permanently or temporarily, by one family and its guests, with sanitary facilities and one kitchen (as defined in Article 2, Section 210.9) provided for the unit. Any attached, semi-detached, or detached residential unit, including any converted guest house or garage, farm employee house, modular home, mobile home, individual apartment, or condominium which meets the requirements of the foregoing sentence shall be considered a separate Dwelling Unit. Without a kitchen (as defined in Article 2, Section 210.9) a legal guest house, artist studio, cabaña, or living accommodations within a boarding or lodging house, dormitory, hotel, or motel shall not be considered to be a "Dwelling Unit".

- B. Additional Dwelling Unit means a Dwelling Unit constructed or converted on any Premises in addition and subsequent to a Dwelling unit on the Premises which is already connected to the District by a meter.
- 217.6 Family means one or more persons living together as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar structure for group use. A family shall not include a fraternal, religious, social, or business group.
- 217.8 Kitchen means a room, all or any part of which is designed, built, equipped, used, or intended to be used for the preparation and cooking of foods.
218. Private Fire Protection Service means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore.
219. Public Fire Protection Service means the service and facilities of the entire water supply, storage, and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.
220. Regular Water Service means water service and facilities rendered for normal domestic, commercial and irrigation purposes on a permanent basis, and the water available thereto.
221. Rural Residential/Limited Agricultural water shall mean the use of water for a combined domestic and limited agricultural use including growing of crops for commercial agricultural or personal use, raising of domestic livestock for commercial agricultural or personal use, the watering of pasture for animals (e.g., horses) which are kept for personal enjoyment. In order to qualify as a Rural Residential/Limited Agricultural Use, a Customer may be required to submit to the District documentation, in a form satisfactory to the District, certifying that the property served by the meter is used for the purposes stated herein. Farming, horticulture, or ranching for commercial or personal use, including irrigation, stock watering, support of vegetation for range grazing, and the watering of pasture for animals (e.g., horses) which are kept for personal enjoyment.
222. Special Improvement District means Improvement District No. 1 or District and includes all previous or subsequent annexations thereto. It also means the Board of Trustees performing functions related to the District water service together with the General Manager, the Administrative Manager, and other duly authorized representatives.
223. Suspension of Water Service is defined as a temporary or permanent stoppage of or ceasing to provide water service to a Customer for any or all violations of the District's Rules and Regulations. The District has the discretion to cause the stoppage of any Customer's water service with or without notice to the Customer unless otherwise stated in these Rules and Regulations. Suspension of water service by the District does not result in a credit or waiver of charges.
224. Temporary Water Service means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore. Temporary Customers do not become regular water service Customers

225. Termination of Water Service shall mean water service permanently ceases and all facilities, including the meter, service connection and meter box used to provide water service may be disconnected and removed at the District's discretion.
226. Water Re-seller means a Customer of the District who delivers water to its own Customers ("Re-seller Customers"), each of whom has a separate meter which is read by the Water Re-seller.
227. Year means a 12 month period which begins on July 1 of the year indicated.
228. Encroachment. An encroachment is any tower, pole, pole line, pipe, pipeline, fence, stand or any structure or object of any kind or character which is (i) within the right-of-way of, or on property owned in fee by, the District, and (ii) made by any public agency or private individual. An encroachment includes any temporary or permanent interruption of the District's access or use of the right-of-way or property owned or used by the District.
229. Short-Side Water Service means the distribution main is located on the same side of the road or District easement as the property to be served. Under this definition, it is not required to trench cut or bore under the entire road to install the service connection and meter.
230. Long-Side Water Service means the distribution main is located on the opposite side of the road or District easement from the property to be served. Under this definition, it is required to trench cut or bore under the entire road to install the service connection and meter.
231. Boring Water Service means the distribution main is located on the opposite side of the road or District easement from the property to be served. Under this definition, it is required to mechanically bore under the entire paved surface of the road (as distinguished from the trench method of installation) to install the service connection and meter.
232. District Project. Any facility, structure or improvement of the District including, without limitation, lands, facilities, structures or improvements and appurtenances thereto owned or controlled by the District for water conservation, water utility or any lawful District purpose.
233. Rules and Regulations. Compilation and codification of all of the Administrative, Water, Fire Protection Policy and Resolutions of the District, which establish the authority and principles for decisions of the District and provide the public with guidelines applicable to District operations.

Article 3 - NOTICES

301. Notices to Customers. Notices from the District to a Customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.
302. Notices from Customers. Notices from the Customer to the District may be given by him or his authorized representative in writing (1) at the District's operating office; (2) to the General Manager of the District; or (3) to an officer or agent duly authorized by the Board to receive notices or complaints.

Article 4 - AREA SERVED AND CONDITIONS OF SERVICE

401. Area. Except as provided by law and these Rules and Regulations, only those lands lying within the boundaries of Improvement District No.1 of the Santa Ynez River Water Conservation District and no other lands, will be served with water from the works of the District.
402. Contracts Related to Service. Service of water shall be subject to the terms and conditions of a certain contract dated June 15, 1954, by and between the Santa Ynez River Water Conservation District and the Santa Barbara County Water Agency entitled, "Contract for the Furnishing of Water to Santa Ynez River Water Conservation District," and a certain contract dated March 16, 1960, by and between the United States of America and the Santa Ynez River Water Conservation District entitled "Contract Between the United States of America and the Santa Ynez River Water Conservation District for a Loan for the Construction of Project Works" and a contract entitled "Agreement for the Assignment of the Cachuma Member Unit Contract" dated August 9, 1993, between the Santa Ynez River Water Conservation District and the Santa Ynez River Water Conservation District, Improvement District No. 1.
403. Surplus Water.
- A. Sale of Water to Agency Members. Whenever the Board of Trustees of the District shall, by resolution, determine and find that there exists in the District, or that there is available to the District, a supply of Cachuma water which cannot be disposed of at the regular rates hereinabove provided, and further finds and determines that if such water is not disposed of it would waste or would not be put to beneficial use, the Board may, by said resolution provide for the sale or other disposition of such water to one of the other member units of the Santa Barbara County Water Agency in accordance with the terms and conditions of a contract entitled "Contract for the Furnishing of Water to Santa Ynez River Water Conservation District" dated June 15, 1954, and the contract between the Santa Ynez River Water Conservation District and the United States Department of Interior, Bureau of Reclamation, entitled "Contract for the Furnishing of Water to Member Units of the Santa Barbara County Water Agency" dated September 12, 1949.
- B. Sale for Lands Outside the District. Water determined by the Board to be available to the District and surplus to its needs may be sold and used for irrigation, domestic, or municipal purposes to lands lying outside the boundaries of Improvement District No. 1, provided however, that no such water shall be used outside Improvement District No. 1 until determination is made that the full needs of the lands within Improvement District No. 1 can first be met with available water; and provided further, that no Cachuma Project water (other than "exchange water") shall be sold for use outside the boundaries of the Santa Ynez River Water Conservation District or to a "member unit" as that term is described in the contract between the Santa Barbara County Water Agency and the Santa Ynez River Water Conservation District dated December 27, 1954.

- C. Charges for Surplus Water. A charge will be made for the sale of such surplus water by the Board as follows:
- (1) For lands lying within the Santa Ynez River Water Conservation District and overlying the Santa Ynez Uplands groundwater basin:
 - a. An amount equal to the amount of money that the land would have paid in taxes had the land been within the District area; plus
 - b. An amount equal to the regular irrigation or Domestic rate then in use within the District, whichever is applicable, for the amount of water used; plus
 - c. An amount, if determined by the Board to be applicable, to adequately compensate the District for any additional costs associated with providing such water.
 - (2) For lands lying within the Santa Ynez River Water Conservation District not overlying the Santa Ynez Uplands groundwater basin:
 - a. An amount equal to the amount of money that the land would have paid in taxes had the land been within the District area; plus
 - b. An amount determined by the Board to adequately compensate the District for the market value of the water plus all costs and expenses involved in providing such water for such use; in no event shall the total of such amounts be less than the regular irrigation or Domestic rate, whichever is applicable, then in use within the District.
 - (3) For lands lying outside the Santa Ynez River Water Conservation District:
 - a. An amount to be negotiated by contract which shall in no event be less than the minimum amounts specified in subparagraphs (1) or (2) of this paragraph (C).
- D. Surplus Water Agreement. As a condition precedent to the sale of water, an applicant must, if required by the District Board, execute a "Surplus Water Agreement" with the District, which shall provide, among other things, for holding the District harmless for non-availability of such water, and, in the case of applicants within the Santa Ynez River Water Conservation District, agreeing to annex to the Improvement District, at the District's option and request, the lands on which such water is to be used, subject to the ordinary and customary conditions relating to annexation fees, payment of back taxes, and payment for or participation in the cost of main extensions benefiting the area to be annexed in the case of applicants located outside the Santa Ynez River Water Conservation District, agreeing to replace the water sold at a time, place and amount agreeable to the District Board.

- E. One-Year Maximum. Commitments for service to land outside the District will be temporary in nature with a one-year maximum duration; or, if for a longer term, shall provide as a right of the District, the option to terminate periodically at not more than one (1) year intervals.
 - F. Rights to Service. No right to continued service shall be accrued by any land outside of District boundaries.
 - G. Annexation. Service of water to any lands shall have no bearing on possible annexation of said land.
404. Easements. Prior to installation of any water service, the applicant shall grant to the District, without cost to the District, any easements or rights-of-way determined by the Board to be reasonably necessary to accomplish the installation.
405. Water Rights. Prior to installation of any water service or main extensions to property, the applicant or Owner, if the Owner is not the applicant, shall, at the District's option, first enter into a standard water rights agreement with the District, as Trustee, the nonexclusive right to exercise the Owner's overlying rights to ground water and to extract and distribute such groundwater to the Owner and to others within the District. In addition, as a condition of installing water service, or a main extension to property, the District may, at its option, require the applicant or Owner, if the Owner is not the applicant, to enter into a water rights agreement whereby any water rights appurtenant to such property, including but not limited to riparian, overlying or appropriative rights to water in surface of subsurface flows from the Santa Ynez River or any of its tributaries, will be transferred to the District for use on the Owner's property or elsewhere within the District.
406. Extension Fee. In the event that a main extension has been previously constructed which the Board determines would have been, in whole or in part, a required expense of applicant had it not been constructed prior to applicant's request for water service, an applicant shall pay to the District, prior to installation of water service, an Extension Fee calculated by the General Manager to reflect the applicant's proportional share of the cost of such a main extension in relation to other Owners similarly affected.
407. Fire Hydrants. When the District deems it necessary for public fire protection or for prudent planning for future public fire protection, the District may require that an applicant, an Owner or a Customer, as a condition of a main extension, service connection, or continued water service, pay to the District a sum of money sufficient to install one or more fire hydrants that will serve the property owned or occupied or to be owned or occupied by the Customer, Owner or applicant. If one or more Owner, Customer or applicant, the District, at its discretion, may pro-rate the cost thereof among them.
408. Contract. All users of the water system shall be deemed to have contracted with the District for the services of such system and to have agreed to comply with all of the Rules and Regulations of the District in regard thereto.

Article 5 - WATER SERVICE

501. Application for Water Service. Every person desiring to be served with water by the District for any purpose whatsoever, or required by the District to be served with a new, expanded, or additional connection, must first submit a Water Service Application for service. Applications for water service shall be made upon a form provided by the District. All applications for new, expanded, or additional service connections must be accompanied by all required charges, forms, and environmental analysis, if required pursuant to the District's Rules and Regulations.
502. Payment for Previous Service. An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.
503. Determination Regarding Main Extension. Upon receipt of any application for service connection, the Manager shall determine, whether, in his judgment, a main extension is necessary to provide service. A main extension shall be installed in the manner provided in these Rules and Regulations whenever, in the judgment of the General Manager and the Board, such main extension is necessary to provide regular water service to property described in the application, and the applicant applies therefore.
504. Cross-Connections; Denial of Application. An application will not be honored if the District determines that there exists on the property for which service is requested a cross connection and there is no backflow prevention device which meets the District's standards.
505. Can and Will Serve Letter. The General Manager, using such procedures and forms as the General Manager decides, is authorized to issue a letter in the name of the District (i) indicating that water service capacity will be reserved for application for a period of one year from the date of the issuance of such letter subject to such conditions and limitations as stated therein (Requirements Letter) and (ii) making a commitment to provide water service, unless the District declares a water shortage emergency (Can and Will Serve Letter). Any Can and Will Serve Letter provided by the District shall be subject to the Owner's compliance with the District's Rules and Regulations regarding the number of services applied for.

Article 6 - INSTALLATION OF WATER SERVICE

601. Installation of Services. Regular water services will be installed at the location desired by the applicant of the size determined by the District. Service installations will be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements, at the convenience of the District. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location.
602. Changes in Domestic or Commercial Customer's Equipment. Customers making any material change in the size, character or extent of the equipment or operations utilizing water service, or whose change in operations result in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.
603. Installation and Capital Facilities Charge. Size, location and type of meter and service connections shall be regulated by the District and installation and capital facilities connection charges shall be imposed on all applicants for water service not involving a main extension in accordance with the schedule attached to these Rules and Regulations as *Appendix "C"*. The minimum meter size permitted shall be based on the size of the lot to be served.

Installation of a larger Domestic service and meter may be required to provide adequate flow for all anticipated uses on the premises (domestic, landscape irrigation and private fire protection, if such service is to be provided through the same meter) as determined by the District based on estimated flow requirements to be submitted with the application for water service. If the premise has an existing meter, an upgrade to a larger Domestic service and meter may be determined to be necessary and required to provide for all the anticipated flows, including private fire protection, if such service is to be provided through the same meter. In such cases, the capital facilities charge and the cost of installation for such larger service and meter shall be paid to the District by the applicant. If private fire protection is to be provided through a separate meter, the fire protection service and meter shall be sized to meet the estimated flow requirements through that meter as determined by the Santa Barbara County Fire Department and the appropriate connection charge and cost of installation shall be paid to the District by the applicant for said separate meter as provided in Section 1609.

All capital facilities charges to pay the costs of facilities required to provide and maintain water service within the District's service area and all service connection and meter installation charges shall be paid in advance, prior to installation of the service connection and meter.

Where the applicant desires a service and meter for which the installation charge has not been established, an amount equal to the District's estimated cost of installing such service connection and meter shall be deposited. The District shall bill the applicant for

any amount in excess of the installation charge deposit and refund all overages. Only duly authorized employees or agents of the District will be authorized to install service connections and meters.

In cases where an applicant requests or there is otherwise a requirement for an increase in meter size, the District shall collect a capital facilities charge and meter installation charge equal to the difference between (a) the capital facilities charge and meter installation charge for the existing meter and (b) the capital facilities charge and meter installation charge for the new, larger meter. No refunds will be made for decreases in meter size.

Each year on January 1, the capital facilities charge shall be automatically adjusted by an increment based on the change in the ENR Construction Cost Index (20 cities average) from the base of 5167.

Article 7 - DISTRIBUTION MAIN EXTENSIONS

701. Application for Main Extension. The District will, upon written application in the form provided by the District, extend its water distribution system inside the District in accordance with these Rules and Regulations. The application shall be accompanied by a tentative map or other plans acceptable to the District of all street, sanitary and storm sewer work and other underground utilities that is proposed by the applicant in conjunction with the main extension. If the application is for a subdivision or proposed subdivision, it shall state the number of the tract, name of the subdivision and its location.
702. Specifications for Construction. With the application, applicant will present proposed plans and specifications to the District and said plans will be subject to approval by the District before any construction work is started. The Board may engage the services of a consulting engineer for checking and approving of plans.
703. Environmental Impact Analysis. At the time of filing an application for a main extension, the applicant shall file, as required by the District's procedures for environmental impact review, either a draft Negative Declaration (ND), a Draft Environmental Impact Report (DEIR) or a final ND or EIR as completed by the County of Santa Barbara or other governmental agency. An EIR or draft EIR shall specifically, and in detail, analyze the environmental impact on the proposed main extension as required by law.
704. Investigation. Upon receipt of the application, the General Manager shall make an investigation and survey of the proposed extension and submit his opinion and the estimated cost thereof to the Engineer for review and comment. The Engineer shall submit his report and recommendations to the Board.
705. Ruling. The Board shall thereupon consider such application and report, and after such consideration, approve, amend, or reject the application.
706. Cost Determination and Agreement. If the application for service is approved, the Board shall determine the cost to the District for such extension, including all engineering, inspection, and other expenses attributable to the line and shall adopt a Main Extension Agreement and submit it to the applicant for execution.
707. Advance Cost. Upon execution of said Agreement, the applicant shall advance the amount of such estimate, and the line shall thereupon be installed by the applicant. If the amount of the advance deposit exceeds the actual cost of engineering, legal, inspection and other charges attributable to the extension, the balance shall be refunded to the applicant. If the amount of the deposit is insufficient to pay all the costs of engineering, legal, inspection and other charges attributable to the extension, the applicant shall pay all such costs to the District prior to the acceptance of the extension by the District.

708. Installation of Lines. The following rules shall govern the installation of all mains and main extensions within the District.
- A. Regular Rates. The applicant for an extension must agree to pay the regular rates or minimum charges for water services as prescribed by these Rules and Regulations. The applicant must agree to abide by any District regulations now or hereinafter adopted.
 - B. Easements and Water Rights. Prior to the start of construction of an extension, the applicant must first grant to the District, without cost, the rights required under Section 405 and all necessary easements and rights-of-way for said extension, free and clear of all liens and encumbrances. In addition, the applicant shall also (1) grant any easements for water line extensions to loop or connect the main extension to other portions of the District's water system determined by the Board to be reasonably necessary to the efficient operation of the District's water system; and (2) grant any easements for a well site or sites which the Board determines (a) to be reasonably necessary to the efficient operation of the District's water system, and (b) will not substantially adversely affect the use of applicants property for other purposes.
 - C. District Lines. All extensions thus provided for, in accordance with these Rules and Regulations, shall be and remain the property of the District by an instrument in writing, free from all liens and encumbrances, not less than sixty (60) days nor more than seventy (70) days from recording of the Notice of Completion for the project.
 - D. Dead-end Lines. No dead-end lines shall be permitted, except as recommended by the General Manager and approved by the Board. In cases where, subsequent to the approval of a dead-end line by the Board, another dead-end line is planned in sufficient proximity to make connection feasible, and such connection is recommended and approved by the Board, the dead-end lines shall be connected. In cases where circulation lines are necessary, they shall be designed and installed as a part of the cost of the extension, if approved by the Board.
 - E. Extent and Design. All main extensions shall provide the necessary outlet, gate valve, and blind flange in the main and any easements required to bring water to the property line of the developed property. If additional property is to be developed after installation of the main extension, the main extension shall provide similar fittings and any easements required to bring water service to the property line of the additionally developed property.
 - F. District Standards. All main extensions will be built to conform to District specifications and standards in effect at the time of installation. Location of lines shall be as specified in the standard plans and specifications of the District or as approved by the District.

- G. Service Connections. The applicant shall, at his cost, provide and install the service connection at each location shown on the approved plans including the pipeline, curb stop and meter box, but not including the meter. The service installation charges shall not be levied where the applicant has installed the services at his cost except for meter installation charges and capital facilities charges.
- H. Loops and Connecting Extension. Prior to installation of any water service, the applicant shall (1) construct any water main extension to loop or connect any required main extension to other portions of the District's water system determined by the Board to be required or made necessary in whole or in part by the construction of any required main extension; or (2) in the event any such water main loop or connecting extension has been previously constructed, or has not been constructed and need not be immediately constructed, shall pay to the District an Extension Fee calculated by the General Manager to reflect the applicant's proportional share of the cost or estimated cost of any such extension in relation to other Owners similarly affected.
- I. Construction of System. The applicant will be responsible for all construction of the main extension; however, the District shall inspect to check that materials and location of lines conform to the plans as approved by the District. Applicant will post with the District a faithful performance bond in the amount of 100% of the construction cost of the line prior to commencement of construction.
- J. Further Requirements. In granting an application, the Board may make whatever further requirements as may appear to be necessary.
709. Meters. At the time of application for water service from a main extension to which service connections have been previously installed, the applicant shall pay to the District a fee to cover the capital facilities charge or connection charge and the cost of installation of one or more meters and control valves on the service connection. The fees specified in the attached schedule, which shall be attached to these Rules and Regulations as *Appendix "D,"* are for the minimum meter size permitted based on the size of the lot to be served. A larger Domestic meter may be required to provide adequate flow for all anticipated uses on a lot (domestic, landscape irrigation and private fire protection, if such service is to be provided through the same meter) as determined by the District based on estimated flow requirements to be submitted with the application for water service. If a larger meter is determined to be necessary to provide all anticipated flows including private fire protection service, the capital facilities charge and the cost of installation for such larger meter shall be paid to the District by the applicant. The capital facilities charge for any meter removed to accommodate a larger meter shall be credited to the applicant. If private fire protection service is to be provided through a separate meter, the fire protection service meter shall be sized to meet the estimated flow requirements through that meter as determined by the Santa Barbara County Fire Department and the appropriate connection charge and cost of installation shall be paid to the District by the applicant for said separate meter as provided in Section 1609.

All capital facilities charges to pay the costs of facilities required to provide and maintain water service within the District's service area and all service connection and meter installation charges shall be paid in advance, prior to installation of the service connection and meter.

Where the applicant desires a meter for which the installation charge has not been established, an amount equal to the District's estimated cost of installing such meter shall be deposited. The District shall bill the applicant for any amount in excess of the installation charge deposit and refund all overages. Only duly authorized employees or agents of the District will be authorized to install meters.

In cases where an applicant requests or there is otherwise a requirement for an increase in meter size, the District shall collect a capital facilities charge and meter installation charge equal to the difference between (a) the capital facilities charge and meter installation charge for the existing meter and (b) the capital facilities charge and meter installation charge for the new, larger meter. No refunds will be made for decreases in meter size.

Each year on January 1, the capital facilities charge shall be automatically adjusted by an increment based on the change in the ENR Construction Cost Index (20 cities average) from the base of 5167.

710. Extension Fee Fund. Extension fees shall be kept in a separate fund which shall be used by the Board for improvements and betterments to the water distribution system.

Article 8 - GENERAL USE REGULATIONS

801. Number of Services per Premise. The applicant may apply for as many water services as may be reasonably needed for the applicant's premise or as required by the District pursuant to these Rules and Regulation for water service, provided that the private pipe line system from each District provided water service be independent of the others and that they not be inter-connected internally within the premises, or inter-connected with the intent to provide water or actually serve water to any other premises under separate Ownership. The cost of all services shall be borne by the applicant.
802. Separate Supply to Each Dwelling Unit or Structure.
- A. General Rule. Each Dwelling Unit, Additional Dwelling Unit and structure for which application for water service is made or as determined by the District according to these Rules and Regulations shall have a separate service connection including a separate meter, except (i) as provided in subsection E, or (ii) as approved by the Board.
 - B. Application. Any application for water service to for a Dwelling Unit or Additional Dwelling Unit shall be made in writing on a form provided by the District Water Service Application and shall be accompanied by a plans and specifications as defined in the requirements of the Water Service Application. The application shall be verified as true by affirmation. The application shall not be approved unless the fees required by Section 802.7 have been paid or agreed to be paid.
 - C. Limitation. For any application for water service filed on or after July 20, 1999, service shall be provided only to structures and for uses shown on the approved application.
 - D. Suspension of Water Service. Service may be suspended in accordance with the provisions of Section 1407.
 - E. Grandfather Provision. This Section shall not apply to any Dwelling Unit, Additional Dwelling unit, or structure which physically existed as of the effective date of Section 802.7 (Resolution No. 508 adopted July 27, 1999) and was in compliance with the applicable land use regulations as of that date.

- 802.5. Charges for Service to Any Additional Dwelling Unit. An Additional Dwelling Unit Impact Charge shall be paid monthly with respect to each Additional Dwelling Unit to which separate service is not required to be provided pursuant to Section 802.E. The amount of the Impact Charge shall be equal to the monthly meter charge for a 5/8-inch meter for service to any Additional Dwelling Unit. The Impact Charge shall be paid monthly beginning on the first of the following events: (a) application for new water service, (b) application by a tenant for water service, (c) request for a change of account name, (d) request for a change in meter classification, (e) request for an “Intent to Serve Letter” or “Can And Will Serve Letter”, (f) District receipt of notification from the County of Santa Barbara, or an applicant, that application has been made for a building permit, (g) field inspection by District personnel of Customer services or meters, (h) inspection of any back flow device by District personnel, or (i) any other requested modification of water service to the Dwelling Unit or Additional Dwelling Unit on a Premises.
- 802.7. Capital Facilities Charge for Any New Additional Dwelling Unit.
- A. General Rule. Each Dwelling Unit and Additional Dwelling Unit for which application for water service is made shall pay an amount equal to the Capital Facilities Charge for a 5/8-inch meter as provided in Section 603.
 - B. Payment. The Capital Facilities Charge shall be paid, at the Owner’s election and upon notice of such election to the District either (i) in an initial lump sum due and payable within ten (10) days of Owner's receipt from the District of a request for payment, or (ii) in approximately equal monthly installments over a twelve (12) month period. If paid over a twenty-four month period, interest shall be charged at the rate at which interest would have accrued if the charge had been paid in a lump sum and invested in the Local Agency Investment Fund (LAIF).
 - C. Grandfather Provision. This Section shall not apply to any Dwelling Unit, Additional Dwelling Unit or structure which physically existed as of the effective date of Section 802.7 and was in compliance with the applicable land use regulations as of that date.
803. Water Waste. No Customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a Customer's premises, seriously affecting the general service, the District may suspend water service if such conditions are not corrected, with or without notice to the Customer. Advance notice of suspension of service will be given if possible.

804. Responsibility for Water Service Equipment. All facilities installed by the District on private property for the purposes of rendering water 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 the facilities. No payment shall be made for placing or maintaining said facilities on private property. No persons 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. The Customer shall be liable for any damage to locks or seals on or near a meter and any damage that may result from hot water or steam from a boiler or heater located on the Customer's premises.
805. Damage to Water System Appurtenances and Facilities. The Customer shall use reasonable care in safeguarding any appurtenant facilities installed along the District mains. Damage to appurtenances placed in easements by the District shall be billed only if so ordered by the General Manager. District shall be reimbursed promptly upon presentation of a bill for damage.
806. Responsibility for Equipment. The Customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the Customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.
807. Ground-Wire Attachments. All persons are forbidden to attach any ground-wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District. The District will hold Customers liable for any damage to its property occasioned by such ground-wire attachments.
808. Control Valve on the Customer Property. The District shall provide a valve on the Customer's side of the service as close as is practicable to the meter location, street, highway, alley, or easement in which the water main serving the Customer's property is located, to control the flow of water to the piping on his premises. The Customer shall use this valve only and shall not use the service curb stop to turn water on and off for his convenience.
809. Control of Backflow and Cross-Connections.
A. Purpose.
To protect public health, State of California Title 17 drinking water regulations require public water systems to develop and implement Cross-Connection Control programs. Under these programs, some water system customers (property owners) are required to install backflow prevention assemblies to provide protection of the District's water distribution system. Backflow prevention assemblies must be tested regularly by a certified backflow device tester to make sure they are functioning properly.

B. Definitions.

- 1) **Backflow prevention assemblies** are mechanical devices and associated shut-off valves installed on water service lines (or at plumbing fixtures) to prevent backflow of contaminants into drinking water through cross-connections. For the purpose of these regulations, the assemblies are referred to synonymously as devices. A current list of approved devices may be reviewed on line at www.fccchr.usc.edu or at the District office.
- 2) A **cross-connection** is any actual or potential physical connection between a drinking water system and any other water source.
- 3) **Backflow** occurs when water or other substances flow in the opposite direction than intended, allowing contaminants to enter the public water system or consumer's plumbing. This is caused by: 1) **backpressure** – a rise in downstream (customer) piping pressure above system pressure due to pumping, pipe elevation, air pressure, etc.; or 2) **backsiphonage** – loss of system pressure to a point below the downstream or customer piping pressure due to a water main break, excessive demand, fire flow, etc.
- 4) A **backflow incident** occurs when biological, chemical, or physical contaminants enter the drinking water supply (under backflow conditions) through unprotected cross-connections. Backflow incidents may cause injury, illness, or death.

C. Affected Water Service and Devices.

- 1) An approved backflow prevention device shall be installed, by the property owner, on all Agricultural classified meters, on all Rural Residential/Limited Agriculture classified meters, and on all meters connected to a commercial unit. Further, installation of an approved backflow prevention device shall be required on all meters of any size where an actual or potential cross-connection exists as determined by the District including but not be limited to properties with:
 - a) an alternate water source, such as a water supply well or water storage tank;
 - b) a pool with submerged refilling lines;
 - c) a pond either manmade or natural, surface water body water, water feature, or fountain;
 - d) booster pumps and/or pressure tanks;
 - e) private fire protection systems;
 - f) water troughs for horses, cattle, or any other livestock; or
 - g) recycled water or greywater systems used for landscape irrigation
- 2) Devices required for fire service connections shall be either reduced pressure principal (RP) or double-check valve assemblies. All other required backflow devices shall be RP assemblies.
- 3) There is no "grandfather", exception, or exemption clause in the State [code](#) or District [regulations](#). New customers, retrofits, and new construction are required to comply with these regulations.

D. Installation, Inspection, and Testing.

- 1) The device shall be installed within the property, near the location where the District's water service lateral enters and directly adjacent to and downstream from the water meter for which the device is intended to serve. The device must be installed prior to any plumbing branches. The device shall be accessible for maintenance and testing, with a clearance of at least 12 inches above grade.
- 2) A certified inspection and test of all backflow prevention devices shall be performed annually. In those instances where successive inspections indicate repeated failure, more often or additional testing is warranted as determined by the General Manager.
- 3) It is the responsibility of the property owner to have these devices tested. The District will send out an annual reminder with a District official use form of this requirement. The owner of the device shall, upon completion of the testing, submit to the District the required official use form completed by the approved tester. Failure to test or repair a device following a failed test could result in water service interruption. Any failure of the device will require immediate repair and retesting.
- 4) Any time a backflow prevention device requires service, repair, or is moved, a retesting of the device by an approved tester is required.
- 5) Only individuals that are included on the District's list of approved testers shall conduct required inspections and tests. The list of approved companies or individuals that meet the District's standards and other requirements for providing backflow prevention device testing is available at the District Office or on the District website at: <http://www.syrwd.org/syrwd-forms-and-apps>

810. Interruptions in Service. The District shall not be liable for damage which may result from an interruption in service or shortage or insufficiency of supply. Temporary shutdowns may be made by the District to make improvements and repairs. Whenever possible, and as time permits, all Customers affected will be notified prior to making such shutdowns.

811. Ingress and Egress. Representatives from the District shall have the right of ingress and egress to the Customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

812. Encroachment Permits.

- A. Permit for Proposed Activity. All proposed activity involving the placement of encroachments within, under, or over property or right-of-way owned or used by the District must be authorized by an Encroachment Permit.

An Encroachment Permit is not a property right. It authorizes only the permittee or the permittee's agent to perform work, and the permittee may not transfer or assign a permit to another party. A permit is not transferred with the property to a new Owner at the time of sale. New property Owners shall apply for and obtain a new permit. This new permit should be issued for notice and record purposes only.

- B. Denial of Encroachment Permits.
1. An Encroachment Permit shall not be issued for:
 - a. An encroachment that is an integral structural portion of a building (above or below the surface). This includes roof eaves, new bay windows, and cantilevered upper floors.
 - b. Gathering vegetable material (except for research or education).
 - c. Temporary political signs which violate Business and Professions Code Section 5405.3.
 2. An Encroachment Permit may be denied if:
 - a. The project would adversely affect the safety, capacity, or integrity of property owned or used by the District.
 - b. The applicant is or has been repeatedly delinquent with payment on invoices or any other fees, charges or penalties owed to the District.
 - c. The project does not have the requisite concurrence of another local agency.
 - d. The environmental effects are significant and cannot be mitigated or mitigation is unfeasible.
- C. Authority to Issue Permit. The General Manager, using such procedures and forms as the General Manager decides, including the establishment of appropriate and reasonable fees, is authorized to execute and issue an Encroachment Permit pursuant to the requirements of this section.
- D. Ministerial Approval. Any application to encroach within, under, or over District property where such encroachment, or the project of which the encroachment is a part, is statutorily or categorically exempt from the requirements of the California Environmental Quality Act shall be approved by the General Manager.
- E. Discretionary Approval. Any application to encroach within, under, or over District property which requires a determination of the potential environmental effects of the encroachment, where the District is the lead agency for the encroachment, or a responsible agency regarding the project of which the proposed encroachment is a part, must include sufficient information to allow the District to complete an Initial Study.
- F. Revocation of Encroachment Permit. The District may revoke any Encroachment Permit and order the removal of an encroachment if the applicant fails to comply with all terms and conditions of an approved permit or if the continuance of the encroachment is incompatible with the District's use of the property. Removal or revocation of the encroachment shall be undertaken entirely at the applicant's expense.

813. Use of District Property or Facilities

A. Prohibited Uses of District Property

1. The pollution of the water supplies of the District, whether in surface streams, reservoirs, or conduits of any kind, or of groundwater, by any direct or indirect means, including the deposit of polluting matter of any kind upon the banks of a watercourse, lake, or reservoir where the same may reach or affect such water supplies, and including the discharge of polluting storm waters or sanitary sewage, is prohibited.
2. Without having first secured either an encroachment permit pursuant to Section 812 of these Rules and Regulations or written permission from the District pursuant to Section B hereof, it shall be unlawful for any person, firm, corporation, or public agency to do or cause to be done any of the following:
 - a. Deposit material of any kind on District property.
 - b. Construct or place any outlet for discharging drainage waters upon or within the banks of a watercourse within the District, or a District project.
 - c. Plant any form of flora upon or within the banks of a watercourse or a District project.
 - d. Trespass in any manner whatsoever including the driving of vehicles on any property in which the District owns a fee simple interest or on which the District owns an exclusive easement, except such areas as have been opened to and developed for public recreational or other use.

B. Procedures For Requests For Permission to Use District Property or Facilities

1. Requests For Permission to Use District Property of Facilities. Any person, firm, corporation, or public agency wishing to use District property for purposes not inconsistent with these Rules and Regulations or the District's use of such property shall make application for permission for such use to the District. Said applications shall contain such information as the District shall reasonably require.
2. Authority to Enter into Agreement For Use of District Property. The General Manager is authorized to execute a District Property Use Agreement and to establish appropriate and reasonable fees pursuant to the requirements of this section.
3. Environmental Review. Any application to use District property or facilities that is not exempt from the provisions of the California Environmental Quality Act shall include sufficient information to allow the District to complete an Initial Study.

4. Revocation of Use Agreement. The General Manager may revoke any Use Agreement and order applicant to cease any work being done on District property and to immediately remove applicant's property from the premises if applicant fails to comply with all terms and conditions of the Agreement or if continuance of the use is incompatible with the District's use of the property. Removal shall be undertaken entirely at the applicant's expense.
 5. Grievances. In the event an applicant is aggrieved by the action of the General Manager, or by reason of the requirements of this Resolution, the applicant may within fifteen (15) days from date of decision of the General Manager, make an appeal in writing to the Board of Trustees. The Secretary of the Board shall set a time for hearing on such appeal within four (4) weeks from the date of receipt of said appeal, and shall mail or deliver notification to the appellant of said date at least two (2) weeks prior to the date so set. At the hearing of such appeal, the appellant must demonstrate to the satisfaction of the Board that the work or activities so proposed will not violate the Rules and Regulations of the District.
814. No Access to District Property or Facilities In the event the District is unable to access its property, easements, right-of-ways or other granted access where its facilities are located including but not limited to water mains, valves, meters, storage reservoirs, and other water system appurtenances due to Customer caused constraints, limitations, or prohibitions which deny or impede authorized District personnel to access District infrastructure and creates risk, or inability to read meters, this shall result a Customer violation of the Rules and Regulations and a fee, in accordance the schedule for Administrative Charges -Article 112, shall be assessed to the water service account. Should access continue to be denied by the Customer for any reason, written notification shall be provided to the Customer resulting in a suspension of water service. Access to District system must be available at all times without interference.

Article 9 - AGRICULTURAL USE REGULATIONS

901. **Determination.** Services determined by the District that shall be billed under the metered Agricultural water rate classification:
1. Agricultural use as defined in Article 200 and 201 and herein, is for the production of commodities such as agricultural crops or livestock, watering of livestock, and growing of forage or hay crops for pasture grazing for the purpose of producing income from the sale of these products.
 2. Water service that is NOT considered Agricultural classification (e.g., animal viewing/leasing, personal orchards or gardens, veterinary services, wine tasting, recreational turf, open space irrigation, ornamental landscaping and lawns, ponds, watering of animals not considered livestock, or watering of animals kept for personal use) must be metered separately and classified as Domestic or Rural Residential/Limited Agriculture uses.
 3. Meter size must be 1½”, 2” or larger and attached to separate and independent water service connection.
 4. There can be no Domestic use of water from the meter or connection to other Domestic structures or private fire protection facilities.
 5. Agricultural service is subject to interruption at the discretion of the District, with or without notice to the Customer. Interruption of water service by the District does not result in a credit, deferral, or waiver of rates or charges. Advance notice of interruption in service will be given if possible.
 6. Status and classification of water service is subject to revision and change by the District.
 7. A Customer may be required to submit on an annual basis to the District, documentation in a form satisfactory to the District including but not limited to IRS Schedule F or Schedule C form, certifying that the property served by the meter is used for the purposes stated herein.
 8. All Agriculture classification Customers are required to have installed a Backflow Prevention Device at the meter and have that device tested and approved for its operation on an annual basis.
902. **Agricultural Bills.** All Agriculture classified meters will be read and billed monthly. Any Agriculture classified meter that is active during any day or part of a given month, shall be determined to be an active account for billing purposes, and subject to the rates and prorated monthly meter charges set forth in Exhibit A. Agriculture accounts shall only be established and billed in the name of the property owner and not a tenant. There shall be no tenant accounts under this classification.

903. Seasonal Discontinuance. An Agricultural Customer may desire Seasonal Discontinuance of water service which shall be requested in writing (U.S. mail, e-mail or other written form submitted at the District office) at least 2 business days prior to discontinuation. Upon receipt of said written request, the District will discontinue water service within 48 hours for the time and duration desired by the Customer. When Seasonal Discontinuance occurs, the active account will convert to reflect charges that are 50% of the active monthly meter charge for the size of the meter, as set forth in Exhibit A. There will be proration charges for any given month.
904. Monthly Meter Charge (Agricultural). A monthly meter charge shall be paid for each agricultural meter in accordance with the schedule set forth in Exhibit A to these Rules and Regulations
905. Actual Quantity Charge (Agricultural). In addition to the monthly meter charges imposed in accordance with Exhibit A to these Rules and Regulations, each agricultural Customer shall be billed monthly an amount which shall be computed based on the actual quantity of water in hundred cubic feet as registered by the meter through which water is served to the Customer and multiplied by the water rate for that period in accordance with Exhibit A to these Rules and Regulations.
906. Reactivation Fee. Following a period of discontinuance of service by the Customer or suspension of water service by the District, a reactivation fee of seventy-five (\$75.00) dollars will be assessed and collected for each occurrence. Said fee shall be paid prior to reactivating the water service and amending the administrative accounting. .
907. Temporary Installations (Agricultural). The District may install an Agriculture classified meter on an existing service connection to provide water service to a short term user Customer. A charge for such service shall be paid in advance and equal to twenty percent (20%) of the total cost of the meter, valves and fittings, and capital facilities charges (see Appendix “C” and “D”) required to provide such service in addition to the quantity charge. The District may allow such temporary use by an agricultural Customer for a period of no more than one (1) year. Water service shall be in accordance with Article 900 and subject to the agricultural water rates and monthly meter charges Customer as set forth in Exhibit A and in these Rules and Regulations.
908. Agricultural Meter Payment Plan. Notwithstanding any other provision of these Rules and Regulations, the District may authorize an agricultural Customer to make installment payments on the one time charges imposed by the District for an agriculture water service for a period not to exceed 36 months during which a 5% annual interest will be charged against the outstanding balance. The General Manager shall establish eligibility criteria, including credit history and ability to pay, to the appropriate installment payment period. To qualify for the payment plan, the Customer must consent to a lien being placed upon his or her real property to secure repayment. In the event of nonpayment, the District may suspend water service pursuant to Section 1303 of these Rules and Regulations and may also pursue any other remedy available to the District under law.

Article 10. - RURAL RESIDENTIAL/LIMITED AGRICULTURAL WATER SERVICE

1001. Determination. Services determined by the District that meet the following conditions shall be billed under the metered Rural Residential/Limited Agriculture (RR/LA) water rate classification:
1. Meter size shall be 1, 1½, 2, or 3 inches.
 2. One meter shall serve the Domestic use and limited agriculture use on a specific parcel unless otherwise provided in these Rules and Regulations.
 3. RR/LA classification shall apply only to a parcel in excess of three acres but may be applicable to lesser size acreage upon written request in the form of a Water Service Application submitted by the Customer and at the approval by the District.
 4. The RR/LA classified meter shall be connected to and serve one single family residential unit only with no more than one-quarter (¼) acre in aggregate of ornamental or turf landscaping.
 5. Limited Agricultural use is defined as farming, horticulture, or ranching that includes growing of crops for either commercial or personal uses, raising of domestic livestock for commercial or personal use, the watering of pasture grasses (oat, alfalfa, or similar type) for animals (e.g., horses) kept for personal enjoyment.
 6. In order to qualify for a Rural Residential/Limited Agriculture meter and water rate, upon request by the District, a Customer is required to submit documentation that is satisfactory to establish certainty that the property served by the meter is used for the purposes stated herein and the District may from time to time perform an audit of the property for verification of the classification, and reserves the discretionary approval for this classification of water use.
 7. Limited Agricultural service is subject to interruption at the discretion of the District, with or without notice to the Customer. Interruption of water service by the District does not result in a credit, deferral, or waiver of rates or charges. Advance notice of interruption in service will be given if possible.
 8. All RR/LA classification Customers are required to have installed a Backflow Prevention Device at the meter and have that device tested and approved for its operation on an annual basis.
1002. Monthly Meter Charge (Rural Residential/Limited Agricultural) A monthly meter charge shall be paid for each Rural Residential/Limited Agricultural meter in accordance with the schedule set forth in Exhibit A to these Rules and Regulations.
1003. Actual Quantity Charge (Rural Residential/Limited Agricultural) In addition to the monthly meter charge imposed in accordance with Exhibit A to these Rules and Regulations, each Rural Residential/Limited Agricultural Customer shall be billed monthly an amount which shall be computed based on the actual quantity of water in hundred cubic feet as registered by the meter through which water is served to the

Customer and multiplied by the water rate for that period calculated in accordance with Exhibit A to these Rules and Regulations.

The first 125 hcf of water used each month under the Rural Residential/Limited Agricultural classification Customer shall be billed at the Rural Residential rate. Water use that exceeds the 125 hcf shall be utilized for Limited Agricultural purposes and shall be billed at the Limited Agricultural rate.

Article 11 - METERS

1101. Installation. All services shall be metered. A sum of money as set forth in the rate schedule shall be deposited with the District prior to installation of the meter facilities to pay all of the cost of said installation when it is made at the request of the Customer. The service connection, whether located on public or private property, is the property of the District unless specifically otherwise provided, and the District reserves the right to repair, replace and maintain it, as well as to remove it upon termination of service.
1102. Meter Installation. Meters will be installed at the curb or within the easement and are the property of the District. Meters shall be installed at the Customer's expense unless otherwise determined. The District reserves the right to repair, replace and maintain meters, as well as to remove them upon termination of service.
1103. Changes in Location of Meters. Meters moved for the convenience of the Customer will be relocated at the Customer's expense. Meters moved to protect the District's property will be moved at its expense, unless the Customer has encroached upon, interfered with, or caused integrity risks to the meter or its access in which the Customer shall incur all costs. If the lateral distance which the Customer desires to have the meter moved exceeds eight (8) feet, the Customer shall be required to pay for the installation of a new service connection and a new meter. The new meter location shall be approved by the District. The Customer shall also pay for removal of the existing service connection. Change in location of an existing meter shall be considered to be an application for water service and subject to the Rules and Regulations.
1104. Meter Removal. Upon the request for Termination of water service by the Customer, the meter shall be disconnected and removed at the Customer's expense which a deposit, as determined by the District to recover costs shall be made for such action. The District shall retain the discretion to remove the service connection and meter box used to provide water service which shall also require a deposit by the Customer to recover District costs.
1105. Meter Tests - Deposit. All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. If a Customer desires to have the meter serving the premises tested, the Customer shall first deposit an amount to be determined by the District to recover actual administrative and testing costs. Should the meter register more than two percent (2%) fast, the testing portion of deposit will be refunded, but should the meter register less than two percent (2%) fast, the entire amount of the testing deposit will be retained by the District.
1106. Adjustment for Meter Errors - Fast Meters. If a meter tested at the request of a Customer, pursuant to Section 1104, is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the Customer requesting the test or for a period of six (6) months, whichever shall be the lesser, shall be refunded to the Customer.
1107. Adjustment for Meter Errors - Slow Meters. If a meter tested at the request of a Customer, pursuant to Section 1104, is found to be more than 25 percent (25%) slow in the case of Domestic services, or more than five percent (5%) slow for Rural/Residential/Limited Agriculture, or Agriculture services, the District may bill the

Customer for the undercharge based upon corrected meter readings for the period, not exceeding six (6) months, that the meter was in use.

1108. Non-registering Meters. If a meter is found not to be registering, the charges for service shall be at the minimum rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other methods as is determined by the District and its decision shall be final.
1109. Installation of Remote Meter-Reading Units; Replacement of Existing Meters. The District may install any unit, device or apparatus that allows for the reading of a water meter from a remote location, as the District determines to be reasonably necessary for its efficient operation. The District may also replace any existing water meter with more accurate and/or technologically advanced meters as the District determines to be reasonably necessary for its efficient operation. The District shall notify all affected Customers in writing prior to the installation of any remote meter reading device or the replacement of an existing water meter under this section. The District may require each affected Customer to pay all installation costs of any new or additional meter, unit, or device under this section.

Article 12 - BILLING

1201. Billing Period. The regular billing period will be monthly, at the option of the District and all bills shall be due and payable upon presentation and considered Past Due if payment is not received in the District Office on or before the last business day of the month in which the bill was sent.
1202. Presentation of Bills. Bills shall be considered presented when either delivered personally to the Customer or when deposited in the United States mail and addressed to the Customer at the address on the Customer's account for water service. Failure to receive a bill will not release the Customer from payment obligation nor will it entitle the Customer to a billing discount or exempt the Customer from late fees or reactivation fees for non-payment.
1203. Payment of Bills. Bills for water service shall be rendered at the end of each billing period as specified in Section 1201. Each bill for water service rendered by the District shall be printed with the following: If this bill is not paid in full on or before the last business day of the month in which it was sent, it shall become Past Due, subject to penalty and service suspension (see Article 14). Any suspension of water service as a result of non-payment will require the entire account balance, including penalties and a re-activation fee (as specified in Article 1401) to be collected prior to re-establishing water service.
1204. Opening and Closing Bills. Opening and closing bills for less than the normal billing period may be prorated at the option of the District. If the total period for which service is rendered is less than one (1) month, the bill may be less than the applicable monthly service charge. Closing bill shall reflect the applicable monthly meter charge and actual consumption charge Customer at the time service is discontinued or terminated.
1205. Billing for Separate Meters. Separate bills will be rendered for each service connection or meter installation. For two or more Customer accounts, meter charges may be combined by the District for billing purposes.
1206. Tenant Accounts. All charges for water will be the responsibility of the property Owner. Domestic and Rural Residential/Limited Agriculture accounts may be billed to tenants as a convenience to the Owner upon filing of the necessary forms with the District. Tenant accounts uncollectible and outstanding more than sixty (60) days will be billed to the property Owner. Service may be suspended until such bills are paid in full. If a property owner has water service at more than one (1) location and the bill for tenant account is not paid within the time provided for payment, water service at all locations may be suspended.
1207. Service Deposits – All persons applying for water service may be required to pay a service deposit with the District at the time of submitting the water service and billing agreement form. The deposit may be waived if the person requesting service is a new applicant who is determined by the District to be creditworthy. The determination of an applicant's creditworthiness shall be based solely upon criteria developed by the District

and may include, but is not limited to, an acceptable letter from the applicant's previous water utility provider, other acceptable credit reference or a credit report. The costs incurred by the District in making a determination to waive a service deposit shall be paid by the applicant prior to initiation of service.

A service deposit shall not be considered an advance payment for water use. During the term of a Customer account, the District may, in its sole discretion, require any Customer, regardless of whether he or she was previously found to be creditworthy, to post a full service deposit with the District any time there are three (3) delinquencies (untimely payment of bills) within any thirty-six (36) consecutive months or as a precondition to re-activating or re-establishing service any time the Customer's water service has been suspended for non-payment.

If the District draws down a service deposit to pay a Customer's bill, charge or fee, the District shall bill the Customer an amount necessary to replenish the service deposit as determined necessary by the General Manager. The Customer shall pay the amount to replenish the service deposit in accordance with the District's requirements for the payment of bills.

A service deposit which is paid by check and returned to the District for "non-sufficient funds" shall be reason for suspension of water service after notice in accordance with Article 3.

1208. Amount of Service Deposit - The amount of a service deposit required by the District shall not exceed the following amounts:
- a. Domestic - the amount of service deposit for Domestic accounts will not exceed two and one half times ($2 \frac{1}{2}$) times the average domestic water bill (including monthly meter charge) for the Customer account within the twelve (12) consecutive months.
 - b. Agricultural – the amount of service deposit for agricultural accounts will not exceed two and one-half ($2\frac{1}{2}$) times that Customer's estimated maximum monthly water bill (including monthly meter charge) within the twelve (12) consecutive months.
1209. Refund of Service Deposit – Following twelve (12) consecutive months of continual service with no untimely payment of bills on a Customer's account, the service deposit shall be credited to that account in lieu of a refund. Interest accrued on the service deposit shall remain the sole property of the District and will not be subject to refund.

Article 13 - DISCONTINUANCE OF SERVICE

1300. Discontinuance of Water Service. A Customer may request their water service account be discontinued due to vacating the premises, change of Ownership, or other real property transaction that results in account holder modification or closing the water service account. The District retains the sole discretion to determine the Discontinuance of water service.
1301. Request for Discontinuance. A Customer may request Discontinuance of water service which shall be in written form to the District. Such written request must describe the reason(s) for discontinuance as well as required Customer information for final billing purposes and account closure. The Customer shall give written notice to the District at least two (2) business days prior to the effective date of the requested Discontinuance of water service.
1302. Responsibility for Payment Rates and Charges upon Discontinuance. Upon Customer discontinuance of water service when approved by the District, the Customer shall be liable for all charges on that account whether or not any water is used. A final bill will be provided at the closing of that Customer account. Otherwise, if not approved by the District, all rates and charges shall remain in force and applicable to the Customer water service account.

Article 14 - SUSPENSION OF WATER SERVICE

1400. **Suspension of Water Service.** The District has the discretion to cease to provide or cause the stoppage of any Customer's water service, with or without notice to the Customer, unless otherwise stated in these Rules and Regulations. Suspension of water service shall mean a temporary, up to a permanent stoppage of water service to a Customer for any or all *violations of the District's Rules and Regulations*. Suspension of water service by the District does not result in a credit or waiver of rates or charges. Water shall not be supplied to such suspended water service Customer until the Customer shall have complied with the Rule or Regulation. All rates and charges shall remain in force and applicable to the Customer's water service.

1401. **Non-Payment of Bills.** Water Service shall be suspended for non-payment of bills, unless otherwise determined by the District. Payment not received in the District Office by the last business day of the month in which the bill was sent as specified in Article 1202 and 1203, that account shall become Past Due. Ten (10) calendar days from the Past Due date, the Customer will be sent a "Shut-Off" Notice stating that the Suspension of water service shall be enforced if the Past Due payment is not received in the District Office within the time specified in said Shut-off notice. The Shut-off Notice shall stipulate the Past Due balance, plus a 10% penalty and specify the date and time in which the payment must be received in order to avoid suspension of water service. In the event that service is suspended, the entire account balance, including the reactivation fee as specified in Article 14, must be paid in full in order to have service restored.

Failure to receive a Shut-off notice shall not release the Customer from payment obligation nor will it entitle the Customer to a billing discount or exempt the Customer from late fees or reactivation fees for non-payment.

A Customer's water service may be suspended if water service furnished at a previous location is not paid for within the time herein fixed for the payment of bills.

If a Customer receives water service at more than one (1) location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be suspended.

1401-A. **Policy Regarding Suspension of Water Service for Nonpayment**

1. **Application of Policy.** This Policy for Suspension of Water Service for Nonpayment ("Policy") is adopted by the Santa Ynez River Water Conservation District, Improvement District No.1 ("District") in accordance with the requirements of the California Water Shutoff Protection Act, California Health and Safety Code Section 116900 et seq. (the "Act"). Pursuant to the Act, this Policy is only required to apply to the District's water service accounts that are used to provide residential water service, including Domestic and Rural Residential/Limited Agriculture accounts that provide service to single-family residences, multifamily residences, mobile homes, and farmworker housing. Notwithstanding the limiting provisions of the Act, various portions of this Policy are written to apply to all of the District's accounts as a means of promoting administrative efficiency and parity among the District's Customers.

2. **Contact Information.** For questions or assistance regarding water bills issued by the District, or regarding options for averting suspension of residential water service, Customers may contact District staff via telephone at (805) 688-6015 or via email at general@syrwd.org. Customers may also visit the District's office in person at 3622 Sagunto Street, Santa Ynez, California 93460 during normal business hours (excepting holidays), Monday through Friday, from 9:00 a.m. to 5:00 p.m.
3. **Billing Period and Late Penalties.** Water bills issued by the District are due and payable to the District on or before the last business day of the month in which the bill is issued via mail and/or electronic mail. Bills not paid in full by the close of business on the due date are considered Past Due. Ten (10) calendar days after the Past Due date, the Customer will be sent a "Past Due and Pending Shutoff Notice" as further provided in Section 4.1 below, at which time a ten percent (10%) late penalty is assessed on the outstanding account balance. The District may consider Customer requests to waive a late penalty under extraordinary circumstances, provided that the request is made to the District no later than twenty (20) calendar days after the Past Due date, and provided further that a late penalty has not been waived for the requesting Customer within the previous twelve (12) month period. Decisions not to waive a late penalty are final and not subject to the review or appeal provisions of Section 6 below. The District will not assess a late penalty on a Past Due balance of twenty dollars (\$20.00) or less, where any balance at or below twenty dollars will be carried over and added to the Customer's account for the next billing period.
4. **Suspension of Water Service for Nonpayment.** If all or any portion of a water service bill is Past Due for sixty (60) calendar days, the District may suspend water service to the service address.

4.1 Written Notice to Customers and Occupants. The District will provide a mailed notice to the Customer of record no less than seven (7) business days before suspension of water services. Pursuant to Health and Safety Code section 116908(a), such written notice may be provided early in the 60-day delinquency period and in the form of the Past Due and Pending Shutoff Notice described in Section 3 above. If the Customer's address is not the address of the property to which service is provided, the notice also will be sent to the address of the property to which water service is provided, addressed to "Occupants," provided that the District shall not be responsible for sending notice to a property address that does not receive mail delivery from the U.S. Postal Service. The notice(s) will contain:

- (a) the name and address of the Customer of record;
- (b) the amount of the Past Due amount, including applicable penalties;
- (c) the date by which payment in full must be made to avoid suspension of service;
- (d) the process and deadline by which the Customer may request in writing an extension of time to pay the Past Due amount, including applicable penalties, or request an alternative payment schedule, an amortization arrangement, a temporary deferral of payment, or a reduction of payment under Section 4.3 or Section 5.1 below;
- (e) the process by which the Customer may request review and appeal of the bill for water service;

- (f) information that residential tenants or occupants, if not the Customer of record, may have the right to become Customers of the District without being required to pay any Past Due amounts on the account; and
- (g) the District's contact information.

4.2 Residential Tenants or Occupants. In cases where residential water service is provided through an individual or master meter to tenants or occupants of a residential structure, mobile home, or farmworker housing, and the District is informed that the owner, landlord, manager, or operator of said residence(s) is the Customer of record instead of the tenants or occupants, the District will attempt to inform the residential tenants or occupants of said residence(s) by written notice, at least ten (10) calendar days prior to suspension of water service, that the account is Past Due and that water service to the residence(s) is subject to suspension. The written notice will be addressed to "Occupants" and may be provided as the Past Due and Pending Shutoff Notice as described in Section 3 above. The notice will inform the residential tenants or occupants that they may have the right to become Customers of the District without being required to pay any Past Due amounts on the delinquent account. Further terms and conditions for tenants or occupants to become Customers of the District are provided in Section 8 below.

4.3 Additional Courtesy Notices Prior to Suspension of Service. In cases where a water service bill remains Past Due for more than fifty (50) calendar days and written notice of possible suspension of service for nonpayment already has been provided to a Customer pursuant to Health and Safety Code section 116908, which prior notice may include the Past Due and Pending Shutoff Notice described in Section 3 above, the District may, in its sole and absolute discretion, attempt to provide additional courtesy notice prior to suspension of water service to the service address, where such additional courtesy notice may include a manual telephone call, an automated call, a door tag, or other means determined by the District.

4.4 Special Medical and Financial Circumstances Under Which Residential Water Service Will Not Be Suspended.

- (a) The District will not suspend residential water service for nonpayment if all of the following conditions are satisfied:
 - (i) the Customer, or a tenant of the Customer, submits to the District the certification of a licensed primary care provider, as that term is defined in Section 14088(b)(1)(A) of the California Welfare and Institutions Code, that suspension of residential water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided; and
 - (ii) the Customer demonstrates to the District through documentation that he or she is financially unable to pay for residential water service within the District's normal billing cycle, where the Customer is deemed financially unable to pay during the normal billing cycle if (a) any member of the Customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (b) the Customer

declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and

- (iii) the Customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, with respect to all Past Due charges, including applicable penalties, subject to terms acceptable to the District.
- (b) Any Customer who receives a Past Due and Pending Shutoff Notice described in Section 4.1 and desires to avoid suspension of service under this Section 4.4 shall be responsible for contacting the District to establish all of the conditions and provide the documentation set forth in Section 4.4(a) above. The Customer must contact the District as soon as practicable after receiving the Past Due and Pending Shutoff Notice.
 - (c) If all of the conditions set forth in Section 4.4(a)-(b) are satisfied by the Customer, the District may, in its sole and absolute discretion, offer one or more of the following payment options to the Customer, as further described in Sections 5.2 through 5.5 below:
 - (i) participation in an alternative payment schedule;
 - (ii) amortization of the unpaid balance;
 - (iii) temporary deferral of payment; or
 - (iv) partial reduction of the unpaid balance, provided that no reduction shall result in additional charges to other ratepayers.
 - (d) The terms, conditions, and any other parameters of a payment option(s) offered by the District to a Customer pursuant to this Section 4.4 shall be established by the District in its sole and absolute discretion.
 - (e) The payment option and terms provided by the District will result in payment by the Customer of all Past Due amounts, including applicable penalties, to the District within twelve (12) months; provided, however, that a longer period may be established to account for extraordinary circumstances.
 - (f) Notwithstanding the provisions of Sections 4.4(a)-(e) above, the District may suspend residential water service to a Customer where: (i) for sixty (60) calendar days or more the Customer fails to comply with the terms of an alternative payment schedule, amortization agreement, or a deferral or reduction of payment plan provided by the District; or (ii) while undertaking an alternative payment schedule, amortization agreement, or a deferral or reduction of payment plan provided by the District, the Customer fails to pay his or her current residential service charges for sixty (60) calendar days or more. In such cases, the District will post a final notice of intent to suspend residential water service in a prominent and conspicuous location at the property at least five (5) business days prior to the suspension of service. Any final notice and suspension of service under this Section 4.4(f) shall not be required to provide the information already provided to the Customer under Section 4.1 above, and shall not be subject to the review or appeal provisions of Section 6 below.

- (g) District decisions under the provisions of this Section 4.4 shall be delegated to and made by the District's General Manager and/or his or her designee.

5. **Alternative Payment Arrangements and Related Procedures.**

5.1 Procedures for Customers to Request Payment Plan Options. Separate and distinct from alternative payment arrangements that may be offered by the District to a Customer pursuant to the provisions and conditions of Section 4.4 above, the District may, in its sole and absolute discretion, and in response to a written request submitted by a Customer to the District in accordance with this Policy, offer one or more of the following payment options to a Customer, based on emergency or other extraordinary circumstances, where the Customer is unable to pay his or her Past Due amount in full, including applicable penalties, by the due date: (i) participation in an alternative payment schedule; (ii) amortization of the unpaid balance; (iii) temporary deferral of payment; or (iv) partial reduction of the unpaid balance, provided that no reduction shall result in additional charges to other ratepayers.

- (a) Any Customer who receives a Past Due and Pending Shutoff Notice may submit a written request to the District to pay the entire Past Due amount, including applicable penalties, through an alternative payment option. The Customer's written request must be submitted to the District within fifteen (15) calendar days of the Customer's receipt of the Past Due and Pending Shutoff Notice. Requests not submitted within the 15-day time period are deemed untimely and need not be accepted, reviewed, or decided by the District. For purposes of this Section 5.1(a), the District's Past Due and Pending Shutoff Notice shall be deemed received by a Customer five (5) calendar days after being issued by the District, and a Customer's written request for an alternative payment option shall be deemed submitted by the Customer on the postmarked date if delivered by mail, and on the date of transmittal if delivered by electronic mail or personal service to the District's office during normal business hours. In no case shall a Customer's request for an alternative payment option under the provisions of Sections 5.2 through 5.5 below require the District to offer or approve a payment option to the Customer.
- (b) The terms, conditions, and any other parameters of a payment option(s) offered by the District to a Customer pursuant to this Section 5.1 shall be established by the District in its sole and absolute discretion.
- (c) To the extent a payment option is offered by the District, the terms of the option will result in payment in full by the Customer of the entire Past Due amount, including applicable penalties, to the District within twelve (12) months; provided, however, that a longer period may be established to account for extraordinary circumstances.
- (d) Notwithstanding the provisions of Sections 5.1(a)-(c) above, the District may suspend water service to a Customer where: (i) for sixty (60) calendar days or more the Customer fails to comply with the terms of an alternative payment schedule, amortization arrangement, or a deferral or reduction of payment plan provided by the District; or (ii) while undertaking an alternative payment schedule, amortization arrangement, or a deferral or reduction of payment plan provided by the District, the Customer fails to pay his or her current service charges for sixty (60) calendar days or more. In such cases, the District will post a final notice of intent to suspend water service in a prominent and

conspicuous location at the property at least five (5) business days prior to the suspension of service. Any final notice and suspension of service under this Section 5.1(d) shall not be required to provide the information already provided to the Customer under Section 4.1 above, and shall not be subject to the review or appeal provisions of Section 6 below.

- (e) District decisions under the provisions of this Section 5, and Sections 5.2 through 5.5 below, shall be delegated to and made by the District's General Manager and/or his or her designee.

5.2 Alternative Payment Schedule. If approved by the District under Section 4.4 or Section 5.1 above, a Customer's payment of his or her Past Due amount, including applicable penalties, may be paid pursuant to an alternative payment schedule not to exceed twelve (12) months. The alternative payment schedule may allow periodic lump-sum payments that do not coincide with and may be more or less frequent than the District's established due date for regular monthly bills. The Customer shall be required to pay the entire Past Due amount, including applicable penalties, in full by the due date established by the District and must otherwise remain current on all water service rates and charges accruing during any and all billing periods subsequent to the alternative payment schedule provided by the District. The alternative payment schedule will be set forth in writing to and signed by the Customer. As a general rule, while subject to the terms of an alternative payment schedule, a Customer may not request a separate alternative payment schedule, amortization, temporary deferral, or payment reduction for a separate Past Due amount.

5.3 Amortization. If approved by the District under Section 4.4 or Section 5.1 above, a Customer's payment of his or her Past Due amount, including applicable penalties, may be amortized over a period not to exceed twelve (12) months. If amortization is approved, the Past Due amount, including applicable penalties, will be divided equally by the number of months in the amortization period, and that additional amount will be due along with the Customer's regular monthly bills. The Customer shall be required to pay the entire Past Due amount, including applicable penalties, in full by the due date established by the District and must otherwise remain current on all water service rates and charges accruing during any and all billing periods subsequent to the amortization schedule provided by the District. The amortization schedule will be set forth in writing to and signed by the Customer. As a general rule, while subject to the terms of an amortization schedule, a Customer may not request a separate alternative payment schedule, amortization, temporary deferral, or payment reduction for a separate Past Due amount.

5.4 Temporary Deferral of Payment. If approved by the District under Section 4.4 or Section 5.1 above, a Customer's payment of his or her Past Due amount, including applicable penalties, may be temporarily deferred for a period not to exceed six (6) months after the amount was originally due. The Customer shall be required to pay the entire Past Due amount, including applicable penalties, in full by the due date established by the District and must otherwise remain current on all water service rates and charges accruing during any and all billing periods subsequent to deferred payment plan provided by the District. The deferred payment plan will be set forth in writing to and signed by the Customer. As a general rule, while subject to the terms of a temporary deferral of payment plan, a Customer may not request a separate alternative payment schedule, amortization, temporary deferral, or payment reduction for a separate Past Due amount.

5.5 Payment Reduction. Under extreme or emergency circumstances, a Customer may request a partial reduction of his or her Past Due amount, including applicable penalties; provided, however, that a partial reduction in excess of twenty-five percent (25%) of the unpaid amount requires approval by the Board of Trustees, and provided further that in accordance with the Act no such reductions shall be approved to the extent they may result in additional charges to other ratepayers. Any partial payment reduction will be set forth in writing to and signed by the Customer.

6. **Procedures to Request Review or Appeal of a Bill for Water Service.**

6.1 Deadline for Requesting Bill Review. A Customer may request review of a bill for water service by submitting a written request to the District within fifteen (15) calendar days of the Customer's receipt of the bill. Bill reviews under this Policy shall not include any review or challenge regarding the District's underlying water use rates or other charges as adopted by the Board of Trustees under separately applicable laws and procedures. For purposes of this Section 6.1, a bill shall be deemed received by a Customer five (5) calendar days after being issued by the District, and a Customer's written request for review shall be deemed submitted by the Customer on the postmarked date if delivered by mail, and on the date of transmittal if delivered by electronic mail or personal service to the District's office during normal business hours.

6.2 Review by District. A timely written request for review of a bill for water service will be reviewed and determined by the District's General Manager, who will provide written notification of the determination to the Customer.

6.3 Appeal to Board of Trustees. Any Customer who submits a timely written request for review of a bill pursuant to Section 6.1 above may appeal the District's determination made under Section 6.2 above to the District's Board of Trustees by submitting a written notice of appeal to the District, which written appeal must be received by the District within fifteen (15) calendar days of the Customer's receipt of the District's determination under Section 6.2. For purposes of this Section 6.3, the District's determination shall be deemed received by a Customer five (5) calendar days after being issued by the District, and a Customer's written notice of appeal shall be deemed submitted by the Customer on the postmarked date if delivered by mail, and on the date of transmittal if delivered by electronic mail or personal service to the District's office during normal business hours. Upon receiving a notice of appeal, the District will schedule the matter to be heard by the Board of Trustees at an upcoming Board meeting. Written notice of the date, time, and place of the appeal to be heard by the Board will be provided to the appealing Customer at least ten (10) calendar days before the Board meeting. The decision of the Board shall be final.

6.4 Water Service Pending Appeal. In the event a Customer timely submits a written appeal of a water bill matter to be heard by the Board of Trustees, the District will not suspend water service to the Customer while the appeal is pending.

7. **Specific Programs for Low-Income Customers.**

7.1 Reconnection Fee Limits and Waiver of Interest. For Customers who receive residential water service and can demonstrate to the District, through verifiable documentation described in Section 7.2 below, a household income below 200 percent of the federal poverty level, the District will:

(a) Limit any reconnection of service fees to the actual costs of reconnection, not to exceed fifty dollars (\$50) during normal operating hours and one hundred fifty dollars (\$150) during non-normal operating hours. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021; and

(b) Waive interest charges on delinquent bills once every 12 months for matters that have been referred to collections.

7.2 Qualifications. For purposes of Section 7.1 above, the District will deem a Customer receiving residential water service to have a household income below 200 percent of the federal poverty level if (a) any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (b) the Customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

8. Procedures for Occupants or Tenants to Become Customers of the District for Purposes of Receiving Residential Water Service.

8.1 Applicability. This Section 8 shall apply only when the property owner, landlord, manager, or operator of a residential service is listed as the Customer of record instead of the actual tenants or occupants of the residence(s) receiving the water service, and the service is subject to suspension due to nonpayment.

8.2 Agreement to District Terms and Conditions of Service. The District may make residential water service available to the actual residential tenants or occupants of a service address if one or more tenant or occupant agrees to assume financial responsibility for subsequent charges to the account and agrees to the terms and conditions of water service according to requirements of the District's Rules and Regulations. In cases where more than one residential address or residential unit is served by a single or master meter, the District may make residential water service available to the separate residence(s) if one or more of the tenants or occupants being served by the meter agrees to assume financial responsibility for subsequent charges to the account and agrees to the terms and conditions of water service according to requirements of the District's Rules and Regulations; provided, further, that if a physical and legal means is available to the District to selectively suspend residential water service to those tenants or occupants who do not agree to assume financial responsibility for subsequent charges to the account or who otherwise do not meet applicable requirements, the District may make service available to the tenants or occupants who agree to assume financial responsibility for subsequent charges to a separate account(s) in accordance with the District's Rules and Regulations.

8.3 Verification of Occupancy or Tenancy. To be eligible to become a Customer of the District without paying the Past Due amount on a delinquent account, the tenant(s) or occupant(s) seeking to become a new Customer must verify that the existing Customer of record for the delinquent account is or was the owner, landlord, manager, or operator of the residential dwelling(s). At the discretion of the District, verification documents may include, but are not limited to, a lease or rental agreement, rent receipts, a government agency document indicating that the tenant(s) or occupant(s) are renting the property, or other evidence of a tenancy or occupancy relationship with the Customer of record for the delinquent account.

9. **Language for Policy and Certain Written Notices.** This Policy and all written notices provided under Section 4 and Section 5 above shall be provided in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more of the Customers within the District's service area.
 10. **Other Remedies.** In addition to suspension of water service, the District may pursue any and all other remedies available in law or equity for nonpayment of water rates, service charges, and applicable penalties, including, but not limited to, filing a claim or legal action, or referring the unpaid amount to collections. In the event a claim or legal action is decided in favor of the District, the District shall be entitled to the payment of all costs and expenses, including but not limited to attorneys' fees and costs, consultants' fees and costs, and accumulated interest.
 11. **Suspension of Water Service for Other Customer Violations.** The District reserves the right to suspend water service for any and all violations other than nonpayment as set forth in this Policy, including but not limited to violations of District ordinances, policies, Rules and Regulations, or other applicable federal, state, or local laws.
 12. **Fees and Charges Incurred.** Except as otherwise expressly stated in this Policy, any rates, fees, charges, penalties, or other liabilities incurred by a Customer and due to the District under any District ordinances, policies, Rules and Regulations, or other applicable federal, state, or local laws shall remain due and payable as set forth therein.
 13. **Decisions by District Staff.** Any decision which may be taken by the District's General Manager under this Policy may be taken by his or her designee.
1402. Unsafe Apparatus or Discharge.
 - A. Water service may be suspended or refused to any premises discharging or designed to discharge wastewater in such a manner as to cause or to threaten pollution or contamination of any public or private water supply source, including wells, groundwater, or surface water supplies; and
 - B. Water service may be refused or suspended to any premises where apparatus or appliances are in use which might endanger or disturb the service to other Customers.
 1403. Fraud or Abuse. Service may be suspended, if necessary, to protect the District against fraud or abuse.
 1404. Cross-Connections. Water service may be suspended to any premises where there exists a cross-connection in violation of these Rules. (See Section 809).
 1405. Non-Compliance with Regulations. Service shall be suspended or terminated by the District for non-compliance with this or any other ordinance or regulations related to the water service.
 1406. Failure to Comply with Separate Water Service Requirements. Service may be suspended by the District whenever an existing structure is converted to, or additional structure is constructed as, a use for which separate service is required hereunder, unless application has been made and approved for separate service.

1407. Reactivation Fee. A reactivation fee of (\$75.00), plus penalties will be made and collected prior to re-establishing water service following a suspension or termination of water service by the District.
1408. Permanent Suspension. In the event of a permanent suspension of service, the District may determine the water service to be terminated and remove the meter and service connection pursuant to sections 1101 and 1102 of these Rules and Regulations, provided the District makes a good-faith effort to provide the Customer with advance written notice of the impending removal and the anticipated cost to reinstall the meter and service at a later date. The Customer shall be responsible for and payment of all removal costs incurred by the District for said termination of water service. If the meter and service connection have been so removed and the Customer wishes to re-establish service, the Customer must pay for the prior removal costs, if not already paid upon termination of service, and all installation costs of any new meter unit or device and service connection including materials and labor.
1409. Public Nuisance During Suspension. During the period of such suspension, inhabitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such suspension. In such event, and as a condition of reactivation, there is to be paid to the District all costs associated with such proceedings, including reasonable attorney's fees.
1410. Enforcement - Not Penalty. The District hereby declares that the foregoing procedure for suspension of water service for Past Due accounts to Customer premises is established as a means of enforcement of collection of said charges, and not as a penalty.

Article 15 - PENALTIES AND COLLECTION BY SUIT

1501. Penalty. Rates and charges which are not paid by the last business day of the month in which the bill was sent shall be subject to a penalty of ten percent (10%) and thereafter shall be subject to a further penalty of one percent (1%) per month on the first day of each month following.
1502. Suit. All unpaid rates, charges, and penalties herein provided may be collected by suit.
1503. Costs. Defendant shall pay all costs of suit in which any judgment is rendered in favor of the District, which shall include reasonable attorney's fees and expenses incurred by the District.

Article 16 - PUBLIC FIRE PROTECTION

1601. Use of Fire Hydrants. Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the District. Unauthorized hydrant use will be prosecuted according to law.
1602. Hydrant Rental. A charge to be determined by contract, between the District and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection.
1603. Moving of Fire Hydrants. When a fire hydrant has been installed in the location specified by a proper authority, the District has fulfilled its obligation. If a property Owner or other party desires a change in the size, type, or location of the hydrant, he/she shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority and the District.

Article 17 - PRIVATE FIRE PROTECTION SERVICE

1701. Payment of Costs. An applicant for a new private fire protection service shall pay either (a) if a separate fire protection service and meter is requested, the total actual cost of installation of the separate fire protection service from the distribution main to the Customer's premises, including the cost of a detector check meter or other suitable and equivalent device, valve and meter box and the applicable connection charge and meter installation fee determined in accordance with Section 1609, said installation to become the property of the District; or (b) if the fire protection service is to be provided through the Domestic or Rural Residential/limited Agriculture meter, the capital facilities charge and meter installation fee for a larger meter and/or service connection, if determined to be necessary pursuant to Section 603 or 709.
1702. No Connection to Other System. If a separate private fire protection service is installed, there shall be no connections between the separate private fire protection service and any other water distribution system on the premises. If found an interconnection exists, then all service to the premises shall be suspended pursuant to Article 1400 and until such time the interconnection is mitigated.
1703. Use. If a separate private fire protection service is installed, there shall be no water used in any month through said service except to extinguish accidental fires, or for annual testing the Backflow Prevention Device. Should a misuse of the fire protection water occur, this is a violation of the Rules and Regulations and subject suspension.
1704. Actual Quantity Charge. Any quantity recorded on the meter of a separate private fire protection service will be charged at the Temporary rate for authorized backflow prevention device testing only except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the duly authorized fire protection agency and the District. Use of fire protection water for unauthorized purposes shall be charged at double the Temporary water rate for actual or estimated water used in HCF. If such misuse continues any other month within 12 calendar months after the first violation occurred, the charge for water shall be at 10 times the Temporary water rate and water service shall be subject to suspension (article 1400) which shall include reactivation fees when service is corrected.
1705. Monthly Meter Charge. The monthly rate for water service provided through a separate private fire protection connection is established pursuant to the District's charges as set forth in Exhibit A to these Rules and Regulations.
1706. Water for Fire Storage Tanks. Occasionally water may be obtained from a separate fire protection service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The Temporary water rate applies.
1707. Violation of Agreement. If water is used from a separate fire service in violation of the agreement or of these regulations, the District may, at its discretion, terminate and remove the service.

1708. Water Pressure and Supply. The District assumes no responsibility for loss or damage due to lack of water or water pressure and merely agrees to furnish such quantities and pressures as are available from time to time in its general distribution system. The service is subject to shutdowns and variation required by the operation and maintenance of the system and interruption of service as provided for in these Rules and Regulations.
1709. Connection Fee. A connection fee of seven hundred and twenty dollars (\$720.00) per inch of diameter, or any fraction thereof, shall be charged for any separate private fire protection service or private fire hydrant installation. (*Effective Date January 1, 2017*)

Annually this charge shall be automatically increased by twenty dollars (\$20.00) per inch of diameter at the beginning of each calendar year.

Article 18 - TEMPORARY SERVICE

1801. Services determined by the District that meet the following conditions will be billed under the Temporary water service rate:
- A. Temporary service means an emergency, conditional, or limited term water service that will not become a permanent or regular water service. There are two connection sources which temporary service shall be provided from: 1) a District fire hydrant (“FH”) with installation of a FH meter; or, 2) an existing Customer service connection.
 - B. Application for Temporary Water Service shall be made and submitted to the District and all applicable fees paid by applicant prior to service issuance. Temporary water service is at the discretion of the District, subject to the rates and charges set forth in Exhibit A, and can be suspended or terminated at any time without notice.
 - C. Discontinued Temporary Water Service shall mean the removal of a meter, service connection or temporary FH meter.
1802. Duration of Service. All Temporary service connections shall be discontinued or terminated within two (2) months after installation and issuance unless a written request is submitted by the Customer for an extension of time which may be granted by the District.
- 1803 Service Charge. Each applicant for temporary service from a Fire Hydrant (FH) meter shall pay the District a service charge of one hundred fifty dollars (\$150.00) to cover the District's cost of installation, removal, use of the meter, and repair of facilities for furnishing such service at any of the fire hydrants or water service connection owned by the District.
1804. Actual Quantity Charge. The Customer shall be billed monthly an amount which shall be computed based on the actual quantity of water in hundred cubic feet (hcf) as registered by the meter through which water is served to the Customer and multiplied by the Temporary Water Rate for that period calculated in accordance with Exhibit A to these Rules and Regulations.
1805. Temporary Service from a Fire Hydrant. If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the fire protection authority and the District. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of spanner wrench designed for this purpose.
1806. Unauthorized Use of Hydrant. Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor, punishable by law.
1807. Water Trough Service. The District may set a small Domestic type meter to provide water for cattle on a temporary basis. The applicant shall pay for water under the temporary schedule during those months in which the meter records usage.

Article 19 – DOMESTIC AND OTHER WATER SERVICE

1901. Domestic water applies to residential and commercial water use and means water for a single-family residence or commercial uses, such as for drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns and landscape, and personal vegetable or fruit tree gardens. Services determined by the District that meet the following conditions will be billed under the Domestic rate.
1. Meter size shall be 5/8” or larger.
 2. One meter shall serve all uses on each specific parcel unless otherwise provided in these Rules and Regulations. Domestic Rates shall apply only to a parcel that does not qualify for any other water rate in these Rules and Regulations on which is located a single-family residence with landscaped areas or a commercial business activity.
- 1901.1 Monthly Meter Charge (Domestic). Monthly meter charges shall be paid for each Domestic meter in accordance with the schedule set forth in Exhibit A to these Rules and Regulations.
- 1901.2 Actual Quantity Charge (Domestic). In addition to the monthly meter charge specified in Section 1801.1, each Domestic Customer shall be billed monthly an amount which shall be computed based on the actual quantity of water in hundred cubic feet as registered by each meter through which water is served to the Customer and multiplied by the water rate for that period as calculated in accordance with Exhibit A to these Rules and Regulations.
1902. On-Demand - Determination. Services determined by the District that meet the following conditions will be billed under the On-Demand service rate:
1. Metered water service provided on an on-demand basis, as back-up supply or as emergency supply to the City of Solvang and/or the Mutual Water Companies (“Re-sellers”) within the District’s water service area boundaries.
- 1902.1 Monthly Meter Charge (City of Solvang and Mutual Water Companies). Monthly charges shall be paid for each meter in accordance with the schedule set forth in Exhibit A to these Rules and Regulations.
- 1902.2 Actual Quantity Charge (City of Solvang and Mutual Water Companies). In addition to the monthly meter charge specified in Section 1802.1, each Customer shall be billed monthly an amount which shall be computed based on the actual quantity of water in hundred cubic feet as registered by the meter through which water is served to the Customer and multiplied by the water rate for that period as calculated in accordance with Exhibit A to these Rules and Regulations.

1903. Cachuma Park - Determination. Services determined by the District that meet the following conditions will be billed under the Cachuma Park service rate:

1. Metered water service made available as untreated raw water diverted directly from the Cachuma Project and distributed for use in the Cachuma Park which is owned by the US Bureau of Reclamation and operated by Santa Barbara County.
2. There shall be no use of District infrastructure, storage facilities, pipelines, or other appurtenances for the delivery of District water supply.
3. Water service shall be provided only within the District's water service area boundaries defined at and around Lake Cachuma.
4. Water Service shall be limited to 100-acre feet per water year, except as otherwise approved by the District.

1903.1 Monthly Meter Charge (Cachuma Park). Monthly charges shall be paid for each meter in accordance with the schedule set forth in Exhibit A to these Rules and Regulations.

1903.2 Actual Quantity Charge (Cachuma Park). In addition to the monthly meter charge specified in Section 1803.1, each Customer shall be billed monthly an amount which shall be computed based on the actual quantity of water in hundred cubic feet as registered by the meter through which water is served to the Customer multiplied by the water rate for that period as calculated in accordance with Exhibit A to these Rules and Regulations.

ARTICLE 20 INTENTIONALLY LEFT BLANK

Board rescinded Article 20 – Relief in Special Circumstances
via Resolution 775 on March 20, 2018

Article 21 - REPEALS

2101. All ordinances, resolutions, minute actions or other actions of this District adopted or approved prior to February 21, 2017, which are inconsistent or in conflict with these Rules and Regulations are hereby repealed to the extent of such inconsistency or conflict.

Article 22 - EFFECTIVE DATE OF WATER RATE ADJUSTMENTS

2201. Effective Date. The monthly meter charges and quantity rates set forth in Exhibit A to these Rules and Regulations shall be effective on February 1, 2017 and January 1st for each of the four subsequent years.

Attachment: Exhibit "A" – Water Financial Plan & Rate Study, October 26, 2016