

AN ORDINANCE RESCINDING ORDINANCE NO. 151, ADOPTED MARCH 1, 1974, AS AMENDED, AND ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE, AND PROVIDING PROCEDURES AND PENALTIES FOR ITS ENFORCEMENT; AND RESCINDING ORDINANCE NO. 161, ADOPTED AUGUST 15, 1974, AND ESTABLISHING DEPOSIT REQUIREMENTS UPON APPLICATION FOR WATER SERVICE

BE IT ENACTED, by the Board of Directors of the Olivehurst Public Utility District as follows:

1. Ordinance No. 151, "An Ordinance Rescinding Ordinance No. 102, adopted October 3, 1968, as amended, and Establishing Rates, Rules, and Regulations for Water Service by Olivehurst Public Utility District", adopted March 1, 1973, as subsequently amended, is hereby rescinded.
2. Ordinance No. 161, "An Ordinance Rescinding Ordinance No. 141, as amended, and Establishing Deposit Requirements upon Application for Water and/or Sewer Service", adopted August 15, 1974, is hereby rescinded.
3. The rules, regulations, and deposit requirements for water service by Olivehurst Public Utility District shall be as follows:

ARTICLE I. GENERAL PROVISIONS

1. Short Title. This ordinance shall be known and may be cited as "Olivehurst Water Ordinance".
2. Words and Phrases. For the purpose of this ordinance, all words used herein 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 numbers.
3. Water System. The District will furnish a system plant, works and undertaking used for and useful in obtaining, conserving, and distributing water for public and private uses, including all parts of said system, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.
4. Policy. The District will furnish water service in accordance with this and any other applicable ordinance or regulation

to any property within the boundaries of the District and to such other areas as the Board may designate.

5. Separability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

6. Pressure Conditions. All applicants for service connections of water service shall be required to accept such conditions of pressure and service 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.

7. Tampering with District Property. No one except an employee or representative of the Board shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of the District's system; or interfere with street mains or other parts of the water system.

8. Penalty for Violation. For the failure of the customer to comply with all or any part of this ordinance, 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 discontinued and the water shall not be supplied such customer until he shall comply with the rule or regulation, rate or charge which he has violated, or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the District that in the future he 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, he shall pay the District the sum of Five Dollars (\$5.00) plus all costs of repairs and enforcement, for renewal of his service.

9. Ruling Final. All rulings of the Board shall be final.

10. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to his premises, he

may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

11. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

12. Effective Date and Posting. This ordinance shall take effect thirty (30) days from its passage, and at least one week before the expiration of said thirty (30) days, copies shall be posted in three public places in the District.

#### ARTICLE II. DEFINITIONS

1. Board means the Board of Directors of the District.
2. Cost means the cost of labor, material, transportation, supervision, engineering and all other necessary overhead expenses.
3. 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 mains.
4. Distribution Mains means water lines in streets, highways, alleys, and easements used for public and private fire protection and for general distribution of water.
5. District means Olivehurst Public Utility District.
6. Owner means the person owning 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 as executor, administrator, guardian or trustee of the owner.

7. Person means any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

8. Premises means a lot or parcel of real property under one ownership except that any separate structure under one roof and where there are well defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, shall be deemed separate premises, apartment houses, motels, office buildings and structures of like nature may be classified as single premises.

9. 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 therefor.

10. 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.

11. Regular Water Service means water service and facilities rendered for normal domestic, commercial and industrial and fire protection purposes on a permanent basis, and the water available therefor, for which the general rates and regulations are applicable.

12. Limited Term Service means water service and facilities rendered for normal domestic purposes on a limited term basis not to exceed one month, and the water available therefor, for which the general rates and regulations are applicable, excluding deposit requirements, provided:

- (a) application for limited term service is made;
- (b) Payment in full is made for the full period of the

Limited term at time of application;

(c) disconnection order is signed for specified date at time of application.

13. Service or Service Connection means the pipeline and appurtenant facilities such as the curb stop, meter and meter box, if any, all as used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

14. Temporary Water Service means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefor.

15. Water Department means the Board of Directors of the District performing functions related to the District water service, together with authorized representatives.

16. Holiday means any day observed by the District whereby the business office is closed, and any day that banks observe as a holiday.

17. Week-end means all Saturdays and Sundays, to include the normal 24-hour day.

#### ARTICLE III. NOTICES

1. Notices from Customers. Notice from the customer to the District shall be given by him or his authorized representative in writing at the District's business office.

#### ARTICLE IV. APPLICATION FOR REGULAR WATER SERVICE WHERE NO MAIN EXTENSION REQUIRED

1. Application for Water Service. Applications for regular water service, where no main extension is required, shall be made upon a form provided by the District.

2. Undertaking of Applicant. Such application will signify the customer's willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for water service required.

3. 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.

4. Installation of Services. Regular water services will be installed at the location desired by the applicant where requests are reasonable. 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 Water Department. Services installed in new subdivisions prior to the construction of streets or in advance of street improvements must be accepted by the applicant in the installed location.
5. Changes in Customer's Equipment. Customers making any material change in size, character or extent of the equipment or operation utilizing water service, or whose change in operation results 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.
6. Meters Required and Charges for Meters. Applications for all future services must be metered and applicants for such services shall deposit, in addition to any other required charges, a sum equivalent to the cost of the meter and installation charges. The District will own all meters installed. In addition to the above connection charges and any other charges of the District for the installation of the service, the District shall collect for each and every water service applied for hereafter, fees and charges for the purchases, and acquisition of meter boxes, couplings, fittings and water meters or other devices for measuring quantities of water, as required for the installation of a water meter and/or other devices sufficient to record the consumption of water. Such charges including a 15% handling expense, shall be the actual cost to District of purchase of such materials at the time of acceptance of the application for water service by District, also such charges shall include cost of labor and administration at the time of acceptance of the application. As soon as practicable after receipt of such fees, District shall install the meter box and fittings preparatory to installation of such meter. District shall

purchase the water meter or other water measuring devices, fittings and couplings necessary for the service for which application is made. District shall possess the right to elect to install the meter, device, fittings and couplings at the time of payment of the schedule of charges of District, but shall not be required to install such meter, fittings or couplings and may delay such installation for any period of time set by the District.

ARTICLE V. APPLICATIONS FOR REGULAR WATER SERVICE  
WHEN MAIN EXTENSION REQUIRED

1. Main Extensions. The following rules are established for making main extensions:

- (a) Determination. Upon receipt of any application for water service or request for an application form, the Water Department shall determine whether a main extension is necessary to provide service. A main extension shall be installed in the manner provided in this Article whenever, in the judgement of the Water Department and the Board, such main extension is necessary to provide regular water service to property described in such application or request.
- (b) Application. Any owner of one or more lots or parcels or subdivider of a tract of land where, in the opinion of the Water Department, one or more main extensions is required, desiring regular water service to service such property, shall make a written application therefore to the District, said application to contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the District, and be accompanied by a map showing the location of the proposed connections.
- (c) Investigations. Upon receipt of the applications, the Water Department shall make an investigation and survey of the proposed extension and submit his opinion and the estimated cost thereof to the Board.

- (d) Ruling. The Board shall thereupon consider such application and report and, after such consideration, reject, amend, or approve the application.
- (e) District Lines. All extensions thus provided for, in accordance with these regulations, shall be and remain the property of the District.
- (f) Dead-end Lines. No dead-end lines shall be permitted, except as recommended by the Water Department 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 by the Engineer, 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 by the Water Department as a part of the cost of the extension.
- (g) Extent and Design. All main extensions shall extend to the fair property line of developed property. If additional property is developed on the same lot after installation of a main extension, the main extension shall be extended to the fair property line of the additionally developed property. All main extensions shall be subject to design approval by the Engineer and Board.
2. General. The District will provide all main extensions upon application for service and approval thereof by the Board.
3. Determination. If, in the opinion of the Board, the cost thereof is in excess of what it is prepared to advance, or it questions the economic advantage to the District of making such advance, it shall determine the cost of such extension including all engineering, inspection and other expenses attributable to the line.
4. Advance Cost. When the Board so determines, the applicant shall advance the amount of such estimate, and the line shall be installed by the District. If the amount of the advance deposit exceeds the actual cost of construction, engineering, legal,



inspection and other charges attributable to the extension, the balance shall be refunded to the property owner. If the amount of the deposit is insufficient to pay all the costs of construction, engineering, legal, inspection and other charges attributable to the extension, the property owner shall advance a sum sufficient to pay all such costs to the District prior to the acceptance of the extension by the District.

5. Refund Agreement. Refunds will be made to the property owner or owners who have paid for an extension as follows: where one cost of the extension has been deposited or paid for as per set forth in Section 4, the District shall thereafter, but not for longer than ten (10) years after the date such extension is originally connected to the District's water system, collect from any applicable water user connecting to such main extension, that fraction of the cost contributed for such extension, as approved by the District, as one-half the number of lineal feet of property owned by such water user along said extension bears to the total number of lineal fee of property held by potential water users along such extension as determined by the District at the time such extension is connected to the District's water system. Those exempted from making payment toward the fraction of the cost contributed for such extension would be those who already have service from the District's water system. Such sums as are thus actually received by the District shall be paid by the District only to the property owner or owners who originally advanced funds toward the cost of such extension. Where different property owners contributed toward the making of the extension, such sums shall be refunded to such property owners or their successors in interest pro rata according to the amounts which they severally contributed toward the cost of the extension. The District shall in no way be obligated to assure that the property owner or owners making such extension are paid the total or any costs thereof nor to initiate any action nor incur any expense to collect any sum to be paid such property owner or owners; nor shall refund be made from any revenues derived from water service.

6. Other Charges. In addition to the above connection charges and any other charges of the District for the installation of the service, the District shall collect for each and every water service applied for hereafter, fees and charges for the purchase, and acquisition of meter boxes, couplings, fittings and water meters or other devices for measuring quantities of water, as required for the installation of a water meter, and/or other devices sufficient to record the consumption of water. Such charges including a 15% handling charge shall be the actual cost to the District of purchase of such materials at the time of acceptance of the application for water service by District. As soon as practicable after receipt of such fees, District shall install the meter box and fittings preparatory to installation of such meter. District shall purchase the water meter or other water measuring devices, fittings and couplings necessary for the service for which application is made. District shall possess the right to elect to install the meter, device, fittings and couplings at the time of payment of the schedule of charges to District, but shall not be required to install such meter, fittings or couplings and may delay such installation for any period of time set by the District.

ARTICLE VI. SUBDIVISIONS

1. Application. A person desiring to provide a water system within a tract of land which he proposes to subdivide, shall make written application therefor.
2. Id. - Contents. The application shall state the number of the tract, the name of the subdivision and its location. It shall be accompanied by a copy of the tentative map, and the plans, profiles and specifications for the street work and sanitary and storm sewer work therein.
3. Investigation. Upon receiving the application, the water Department shall make an investigation and survey of the proposed subdivision and shall make its findings to the Board, including a recommendation as to the facilities required and the estimated cost of the proposed water system therefor. To assist the Water Department in making said investigation and report, the Board may

engage the services of a consulting engineer. The size, type and quality of materials shall be in accordance with the District's Water Distribution System Standards and Specifications in effect at the time of application.

4. Specifications and Construction. Location of the lines shall be specified by the Water Department and the actual construction will be done, at the expense of the subdivider in accordance with an approved subdivision agreement. Fire hydrants shall be located at intervals of 500 feet along the distribution man.

5. Subdivision, Tracts or Housing Projects - Deposit. A deposit sufficient to cover engineering costs, legal costs, District staff costs and other appropriate charges attributable to the project, which are incurred in developing and reviewing plans, specifications, subdivision agreements, administration and project inspections in accordance with the subdivision agreement shall be advanced to the District by the subdivider.

6. Adjustment. If the amount of the deposit exceeds the actual costs of engineering, legal, inspections, and District staff costs, and other appropriate charges attributable to the project, the balance shall be refunded to the subdivider. If the amount of the deposit is insufficient to pay all such costs, the subdivider shall advance a sum sufficient to pay all such costs to the District prior to the acceptance of the subdivision by the District.

7. Property of District. All facilities shall be the property of the District and shall be conveyed to the District by a proper instrument in writing prior to acceptance by the District.

8. Connections. The subdivider shall, at his cost, provide all connections to houses constructed by him, as provided herein and in the District's Water Distribution System Standards and Specifications in effect at the time of the application.

9. Costs and Expenses. All costs and expenses incurred by the District under this Article, including the cost of investigation, inspection and consulting engineers services, shall be paid to the District by the subdivider prior to approval of the application.

10. Further Requirements. In granting an application, the Board may make whatever further requirements which may appear to it to be necessary.

ARTICLE VII. GENERAL USE REGULATIONS

1. Water Use Limitations. District water shall be limited in use to domestic use including normal yard upkeep only. The use of District water for extensive irrigation is prohibited.
2. Number of Services per Premises. The applicant may apply for as many services as may be reasonably required for his premises, provided that the pipe line system from each service be independent of the others and that they not be interconnected. The cost of all services shall be borne by the applicant.
3. Supply to Separate Structures. Each house or structure for which application for water service is hereafter made which fronts on a public street or private road shall have a separate service connection.
4. Supply to Separate Lots or Parcels. Each lot or parcel shall have a separate connection to the main. In the case of a lot split, the buyer and/or seller shall install a separate service to the dominant tenement before service is granted.
5. 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 discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.
6. Responsibility for Equipment on Customer Premises. All facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired or replaced by the Water Department 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 where installed.

7. Damage to Water System Facilities. The customer shall be liable for any damage to the District-owned customer water service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly upon presentation of a bill.

8. 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 the customer liable for any damage to its property occasioned by such ground wire attachments.

9. Control Valve on the Customer's Property. The customer shall provide a valve on his side of the service installation as close as is practicable to the 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 not use the service curb stop to turn water on and off for his convenience.

10. Cross-Connections. The customer must comply with the State and Federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross-connections. Back flow protective devices must be installed as near the service as possible and shall be open to test and inspection by the Water Department. Plans for installation of back flow protective devices must be approved by the Water Department prior to installation.

In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial

or process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection of the back flow preventive devices.

As a protection to the customer's plumbing system a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valve and the water heater.

Whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines.

The double check valve or other approved back flow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installation or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

11. Interruptions in Service. The District shall not be liable for damage which may result from an interruption in service from a cause beyond control of the Water Department. Temporary shutdowns may be made by the Water Department to make improvements and repairs. Whenever possible and as time permits, all customers affected will be notified prior to making such shutdowns. The District will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.

12. Ingress and Egress. Representatives from the Water Department 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.

ARTICLE VIII. METERS

1. Installation - Where Required. All industrial services shall have meters installed, and applicants for such services shall deposit, in addition to any other required charges, a sum equivalent to the cost of the meter. In addition, the Water Department reserves the right to install meters on any other service where and when it deems such installation necessary.
2. Installation of Request of Customer - Deposit. A customer may request the installation of a meter at any time provided that he deposit a sum equivalent to the cost of the meter. The District will own all meters installed. After requesting and obtaining a meter, the customer may revert to a flat rate after one year of continuous meter usage. No refund will be made for meters removed.
3. Meter Installations. Meters will be installed at the curb, property line or in sidewalk basements by the District.
4. Change 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. If the lateral distance which the customer desires to have the meter moved exceeds eight (8) feet he will be required to pay for new service at the desired location.
5. Meter Reading. Meters will be read as nearly as possible on the same day of the month.
6. Meter Tests - Deposit. All meters will be tested prior to installation and no meter will be installed which registers more than two per cent (2%) fast. If a customer desires to have the meter service to his premises tested, he shall first deposit twenty-five dollars (\$25.00) for meters up to one (1) inch in size and ten dollars (\$10.00) per inch or any portion thereof for each larger size meter and shall be present when the meter is tested in the meter shop of the Water Department. Should the meter register more than two percent (2%) fast, the deposit will be refunded but should the

meter register less than two percent (2%) fast, the deposit will be retained by the Water Department.

7. Adjustment for Meter Errors. If a meter tested at the request of a customer pursuant to Section 6 is found to be more than two per cent (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.

8. Non-registering Meters. If a meter is found to be non-registering the charges for service shall be based on consumption as estimated by the Water Superintendent. Such estimates shall be made from previous consumption for a comparable period.

9. Other Charges. In addition to the above connection charges and any other charges of the District for the installation of the service, the District shall collect for each and every water service applied for hereafter, fees and charges for the purchase, and acquisition of meter boxes, couplings, fittings and water meters or other devices for measuring quantities of water, as required for the installation of a water meter, and/or other devices sufficient to record the consumption of water. Such charges including a 15% handling charge shall be the actual cost to the District of purchase of such materials at the time of acceptance of the application for water service by the District. As soon as practicable after receipt of such fees, District shall install the meter box and fittings preparatory to installation of such meter. District shall purchase the water meter or other water measuring devices, fittings and couplings necessary for the service for which application is made. District shall possess the right to elect to install the meter, device, fittings and couplings at the time of payment of the schedule of charges to District, but shall not be required to install such meter, fittings or couplings and may delay such installation for any period of time set by the District.

ARTICLE IX. CREDIT

1. Establishment and Maintenance. Each applicant for service



shall establish and maintain credit to the satisfaction of the Water Department before any service will be rendered.

ARTICLE X. DEPOSIT REQUIREMENTS

1. Except as hereinafter otherwise provided, upon application for water service, the applicant shall deposit, as a condition of obtaining service, a sum equal to the amount of the charges of the District, as estimated by the District staff, for providing such service, for a two-month period. In addition to the charges as estimated by the District's staff for a two month period for the services applied for, the applicant shall further pay a deposit in the amount of the discontinuance charge for the service applied for and an amount equal to the charges for a delinquent account and the amount of penalty and interest for one month from and after the date of delinquency, all at the rate set from time to time by ordinance of the District.

2. The deposit shall be used only as a credit to the account of applicant against any unpaid charges upon termination of service. Upon termination of service, or after twelve (12) consecutive months of non-delinquency service charge payments, the deposit, or the portion thereof not applied as a credit to unpaid charges, shall be refunded, without interest, to the applicant.

3. Except as hereinafter otherwise provided, this ordinance shall apply to all applications for water service made on or after the effective date hereof, including applications for reestablishing services following discontinuance or termination by the District for nonpayment of fees and charges.

4. The deposit requirement herein established shall not apply to:

(a) Applicants who pay in advance, at the time of application the estimated amount of the charges for providing the services applied for for a minimum period of six months; and

(b) applicants who have previously taken service at another address within the District and who have paid all billings, by their due dates, during the immediately preceding

twelve month period; and  
(c) applicants who, at the time of application, pay in advance in full, for limited term service not to exceed one month, and executes a discontinuance of service order for a specific date.

5. Any deposit required pursuant to this ordinance shall be in addition to, and not in lieu of, any other fees and charges, and penalties thereon, established by other ordinances, rules and regulations of the District.

ARTICLE XI. BILLING

1. Service Period. The regular service period for which a charge will be made will be one (1) calendar month.  
2. Opening and Closing Charges. Opening and closing charges for less than the monthly service period shall be prorated as follows:  
For services connected on any day of the month other than the first day, the charge shall be prorated on a daily basis starting with the day service is rendered and extending through the remainder of the month. For services disconnected on any day of the month other than the last day of the month, the charge shall be prorated on a daily basis backwards through the first day of the month or to the day service was rendered, whichever is the shortest period of time. All months shall be considered as having 30 days.

3. Payment of Charges. Charges for water service shall be due and payable on the first day of each service period. Charges not paid by 5:00 P.M. of the last day of the service period, excluding holidays and week-ends, whereby the time will be extended until 5:00 P.M. the following work day, will be subject to a service charge of ten percent (10%) of the amount thereof. An additional penalty of one and one-half percent (1½%) per month may accrue on the first day of each month thereafter until the charges are paid. No payment of less than the previous balance as shown on the current statement will be accepted.

4. Notification of Charges. Monthly notification of charges

for a service period will be rendered by mail. Monthly notification is for the convenience of the customer and does not obligate the District in any way. The failure of a customer to receive the monthly notification does not alleviate the customer from the responsibility for payment of the charges. At the time a connection is made, the customer will be notified of the rate applicable to the connection being made and that the same is due and payable according to Section 3 hereof.

5. Bad Check Charge. A service charge, as approved by the Board of Directors, will be levied for each check returned to the District, for any reason, except a bank error.

#### ARTICLE XII. DISCONTINUANCE OF SERVICE

1. Disconnection for Non-Payment. Service may be discontinued for non-payment of charges on or before the twentieth day of the second unpaid month of service. At least five (5) days prior to such discontinuance, the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in said notice. The failure of the District to send or any such person to receive said notice shall not affect the District's power hereunder. A customer's water service may be discontinued if water service furnished at a previous location is not paid within the time herein fixed for the payment of bills. If a customer receives water service at more than one location and the bill for services at any one location is not paid within the time provided for payment, water service at all locations may be turned off. Domestic services, however, will not be turned off for non-payment of charges for other classes of service.

2. Discontinuance Charge. A discontinuance charge of ten dollars (\$10.00) will be made if payment for services is not made within the time specified in the final notice sent to the customer pursuant to the provisions of Section 1 hereof, whether or not service is actually discontinued. If service is discontinued, such discontinuance charge, plus all accrued charges and penalties to date, will be made and collected prior to renewing service following discontinuance.

3. Unsafe Apparatus. Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.
  4. Cross-Connections. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal laws.
  5. Fraud or Abuse. Service may be discontinued if necessary to protect the District against fraud or abuse.
  6. Non-Compliance with Regulations. Service may be discontinued for non-compliance with this or any other ordinance or regulation related to the water service.
  7. Upon Vacating Premises. Customers desiring to discontinue service shall so notify the Water Department. Unless discontinuance of service is ordered the customer shall be liable for charges whether or not any water is used.
  8. Service Calls for Customer's Convenience. Service calls for a customer's convenience will be performed without charge during normal working hours. Service calls for a customer's convenience which requires District personnel to work overtime will be performed for a Twelve Dollar (\$12.00) service charge per service call.
  9. Service Turn-ons and Turn-offs. Turn-on or turn-off of service will be made at no charge for applications for water service which are received before 4:30 P.M. Applications received after 4:30 P.M. will be turned on the following day. When District staff is required to work overtime to perform a turn-on or turn-off of service, a service charge of Twelve Dollars (\$12.00) will be made for such service.
- ARTICLE XIII. COLLECTION BY SUIT
1. Penalty. Charges not paid by the last day of the service period, excluding holidays and week-ends, whereby the time will be extended until 5:00 P.M. the following work day, will be subject to a service charge of ten percent (10%) of the amount thereof. An additional penalty of one and one-half percent (1½%) per month may accrue on the first day of each month thereafter until the charges are paid.

2. Suit. All unpaid rates and charges and penalties herein provided may be collected by suit.

3. Costs. Defendant shall pay all costs of suit and reasonable attorney's fees in any judgment rendered in favor of the District.

ARTICLE XIV. PUBLIC FIRE PROTECTION

1. 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 Water Department prior to use and shall operate the hydrant in accordance with instructions issued by the Water Department. Unauthorized use of hydrants will be prosecuted according to law.

2. 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.

3. Moving of Fire Hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in size, type or location of the hydrant, he 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.

ARTICLE XV. PRIVATE FIRE PROTECTION

1. Payment of Cost. The applicant for private fire protection service not now installed shall pay the total actual cost of installation of the 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, said installation to become the property of the District.

2. No Connection to Other System. There shall be no connections between this fire protection system and any other water distribution system on the premises.

3. Use. There shall be no water used through the fire protection service except to extinguish accidental fires and for testing the

fire fighting equipment.

4. Water for Fire Storage Tanks. The District assumes no responsibility for loss or damage due to lack of water or pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

ARTICLE XVI. LIMITED TERM AND TEMPORARY SERVICE

1. Limited Term Service. Limited term service may be rendered for normal domestic purposes not to exceed one month when the applicant at the time of application, pays in advance in full for such service, and executes a disconnection of service order for a specific date. No deposit is required for such service.

2. Temporary Service. Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the District.

3. Temporary Service Deposit. The applicant shall deposit, in advance, an amount equal to One Hundred Thirty Seven Dollars and Thirty Cents (\$137.30) for each inch or portion thereof of service desired. Upon discontinuance of service the actual cost of installing and removing the facilities required to furnish said service, exclusive of the cost of salvageable material, shall be determined and an adjustment made as an additional charge, refund or credit. If service is supplied through a fire hydrant, the applicant will be charged in accordance with the following rate schedule:

Flat charge per connection, for both installation and removal of service facilities, including the meter	\$48.45
--	---------

Each additional move of facilities to another location	\$13.85
--	---------

4. Installation and Operation. All facilities for temporary service to the customer connection shall be made by the Water Department and shall be operated in accordance with its instructions.

5. Responsibility for Installation. The customer shall use all possible care to prevent damage to any loaned facilities of the

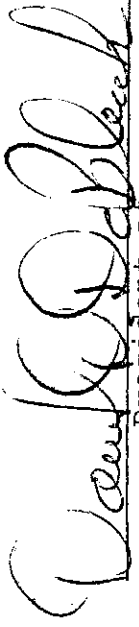
District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight (48) hours notice in writing has been given to the District that the contractor or other person is through with the installation. If the facilities are damaged, the cost of making repairs shall be paid by the customer.

6. 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 proper authority and the District. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose.
7. Unauthorized use of Hydrants. Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor, punishable by law.
8. Rates. The rates for temporary service shall be established by the District at the time application for such service is made. Where a meter is used, the rates for regular service shall be increased by fifty percent (50%) for temporary service.

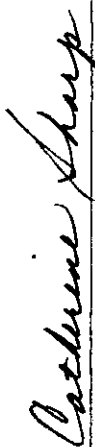
ARTICLE XVI. GENERAL PROVISIONS

1. Pools and Tanks. When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. The rate to be charged for such water shall be determined by the District in relation to the quantity of water desired.  
Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced thereby.
2. Responsibility for Equipment. The customer shall, at his own risk and expense, furnish, install and keep in good 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 either originally or when turned on after a temporary shutdown.

  
\_\_\_\_\_  
President of  
OLIVEHURST PUBLIC UTILITY DISTRICT

ATTEST:

  
\_\_\_\_\_  
Clerk & ex-officio Secretary



I hereby certify that the foregoing is a full, true and correct copy of an ordinance passed and adopted by the Board of Directors of the Olivehurst Public Utility District at a meeting thereof held on the 17th day of July, 1980, by the following vote thereof:

AYES, and in favor thereof: Directors Brandon, Donahue, Mazon, Patty, and DeBlieck

NOES, : NONE

ABSTAIN, : NONE

ABSENT, : NONE

*Catherine Sharp*

Clerk & ex-officio Secretary

APPROVED:

*David DeBlieck*  
PRESIDENT OF SAID BOARD