

**ORDINANCE NO. 2
ORDINANCE OF THE BOARD OF
DIRECTORS OF WESTWOOD
COMMUNITY SERVICES,
DISTRICT COUNTY OF
LASSEN,
STATE OF CALIFORNIA
ESTABLISHING RATES
FOR AND
REGULATING RENDITION OF
WATER SERVICE BY THE
DISTRICT**

BE IT ORDAINED BY THE
BOARD OF DIRECTORS OF THE
WESTWOOD COMMUNITY
SERVICES DISTRICT AS
FOLLOWS:

ARTICLE 1.

Section 1. Short Title.

This ordinance shall be known and may be cited as the Westwood Community Services District Rates and Regulations.

Section 2. Separability.

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portion of this ordinance.

ARTICLE 11.

Section 1. Definition of Terms.

Applicant: An individual or agency applying for water service.

District: The Westwood Community Services District.

Customer: An individual or agency of record receiving water service from the district.

Date of Presentation: The date upon which a bill or notice is mailed or delivered personally to the customer.

Domestic Service: Provision of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.

Fire Protection Service: Provision of water to premises for automatic fire protection.

Fire District: Westwood Community Services District.

Commercial Service: Provision of water to premises where the customer is engaged in trade.

Board of Directors: The Board of Directors of the Westwood Community Services District.

Mains: Distribution pipelines located in streets, highways, public ways or private rights-of-way which are used to serve the general public.

Municipal or Public use: Provisions of water to a municipality of other public body.

Premises: The integral property or area, including improvements thereon, to which water service is or will be provided.

Service Connection: The pipe, valves and other facilities by means of which the utility conducts water from its distribution mains to and through the service valve.

Rate and Fee Schedules: The effective rates, fees, charges, and regulations, as set forth herein.

Temporary Service: A service for construction work, irrigation of vacant property, and similar uses, that because of their nature will not be used steadily or permanently.

Cross Connection: Means any physical connection between the piping system from the District Service and that of any other water supply.

Section 2. Service Area.

Comprises the area within the boundaries of the District.

Section 3. Description of Service.

A. Supply.

The District will exercise reasonable diligence and care to deliver a continuous supply of water to the customer at a sufficient pressure at the service valve and to avoid any shortage or interruption in delivery.

The District does not guarantee any particular amount of water or pressure by reason of having made a connection to its water mains. It does agree that water will be

delivered through the main in conformity with the amount of water which the District is able to deliver conveniently through the available facilities which the District has, according to the Water System held by the District, the size of pipes, the number of customers using water from the particular pipe to which the service valve in question is attached, and the amount of water available for distribution to the main in question.

If, in the opinion of the District, it is doubtful if satisfactory water service can be given, due to location or elevation of the premises, then the District may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The said release shall without further notice from the District remain in effect for all consumers taking water through the service until changes, extensions or betterments may be made to the distribution system by the District.

B. Quality.

The District will endeavor to supply a safe and potable water at all times.

C. Classes of Service.

All services installed by the District will be classified as follows:

1. Residential
2. Commercial
3. Municipal or Public use
4. Public Fire Protection

Section 4. Application for Service.

A. Application

Each applicant for water services will be required to sign a form provided by the District setting forth:

1. The date and place of application.
2. The location of premises to be served.
3. The date on which the applicant will be ready for service.
4. Whether the premises have ever before been supplied by the District.
5. The purpose for which the service is to be used.
6. The size of service.
7. The address of which bills are to be mailed or delivered.
8. Whether the applicant is an owner or tenant of, or agent for the premises.
9. An agreement to abide by all regulations of the District.
10. Whether other water sources exist on premises.
11. Such other data as the Board of Directors in their sole discretion shall from time to time seem necessary, and which from time to time shall be, by resolution, passed by the Board of Directors.

The application is merely a written request for service. Where extension of District mains is required to provide service the applicant will be required to pay the cost of such extension subject to the provisions of Section 24 herein.

B. Individual Liability for Joint Service.
Two or more parties who join to make application for service shall be jointly liable and shall be sent a single periodic bill.

C. Changes in 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 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. Said application shall also be amended upon request made by the District Manager; and in event of disagreement as to the facts for such amendment, a hearing shall be had before the Board of Directors and their decision shall

be final and binding upon the customer.

Section 5. Special Contracts.

Contracts, other than applications, may be required prior to service, under the following conditions:

1. When construction of special extension facilities is necessary.
2. For temporary service.
3. For standby service or fire service.
4. For connections with other qualified utilities.
5. For meters larger than 2 inch.
6. Multiple Units.
7. Unusual situations.

Section 6. Special Information.

A. Contracts

Each contract for water service shall at all times be subject to such changes or modifications by the Board of Directors of the District as it may, from time to time, in its discretion, direct by resolution.

B. Customers Bills.

In event a bill is not paid within thirty days after presentation, service may be discontinued. A reconnection fee of \$15.00 will be required to reestablish service.

Section 7. Notices

A. Notices to Customer

Notices from the District to a customer will normally be 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.

B. Notices from Customers

Notice from the Customer to the District may be given by him or his authorized representative orally or in writing.

(1) At the District's operating office.

(2) To an agent duly authorized to receive notices or complaints.

Section 8. Service Connections.

The District will furnish and install a service of such size and at such location as the applicant requests, provided such requests are reasonable and there is access to the service by public way; the service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, on other thoroughfares, or on the District right-of-way or easement. Charges for the furnishing and installment of new services are payable in advance and shall be as fixed by the Board of Directors by resolution.

B. Change in Location of Services
Services moved for the convenience of the customer will be relocated at the customer's expense. Services moved to protect the District's property will be moved at District expense.

C. Ownership

The service connection, whether located on public or private property, is the property of the District, and the District reserves the right to repair, replace and maintain it, as well as to remove it upon discontinuance of service.

D. Maintenance.

The service connection will be repaired and maintained by the District at its expense except as provided in Section 17, but the District is not responsible for the installation and maintenance of water lines beyond the end of its service.

Section 9. Bills and Payment

A. Rendering of Bills

Bills for water service will be rendered monthly.

B. Payment of Bills

Periodic bills are due and payable on presentation. Payment may be made to the District office.

Section 10. Disputed Bills

Should the customer dispute the correction of a bill for the District water service, said customer shall deposit the amount of the disputed bill with the District Manager within fifteen (15) days after the receipt of the bill. The District

Manager shall then forthwith make a factual investigation and shall submit his findings to the person making the deposit and to the Board of Directors. The Board of Directors shall then hear the matter and the determination of the Board shall be final and binding upon the customer.

Service will not be discontinued pending the outcome of the Manager's investigation provided that subsequent bills are paid or deposited with the District.

Section 11. Discontinuance of Service.

A. Nonpayment of Bills.

1. A customer's water service may be discontinued if a bill is not paid within thirty days after presentation.

2. A customer's water service may be discontinued if water service furnished at a previous location is not paid for within thirty days after presentation of a bill.

3. If a customer receives water service at more than one location and the bill for service at any one location is not paid within thirty days after presentation, water service at all locations may be turned off. Domestic service however, will not be turned off for nonpayment of bills for other classes of service.

B. Unsafe Apparatus

1. The District may refuse to furnish water and discontinue services to any premises where apparatus, appliances or equipment using water is dangerous, unsafe or not in conformity with any laws or ordinances.

2. The District does not assume liability for inspecting apparatus on the customer's property. The District does reserve the right of inspection, however, if there is reason to believe that unsafe apparatus is in use.

C. Service Detrimental to Others.

1. The District may refuse to furnish water and may discontinue services to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers.

2. The District may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

D. Fraud and Abuse.

The District shall have the right to refuse or discontinue water service to any premises to protect itself against fraud or abuse.

For the failure of the customer to comply with all this ordinance and any ordinance, resolution or order fixing rates and charges of this District, a penalty for which has been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation rate or charge which he has violated, or, in the event that he cannot comply with said rule regulations, until he shall have satisfied the district that in the future he will comply with all the rules and regulations established by this ordinance and with all rates and charges of this District. In addition thereto, he shall pay the District a sum as fixed by the Board of Directors shall be final and binding upon the customer.

E. Noncompliance

The District may, unless otherwise provided, discontinue water services to a customer for noncompliance with any of these regulations if the customer fails to comply within five days after receiving written notice of the District's intention to discontinue service. If such noncompliance

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may discontinue water service immediately.

Section 13. Yearly Water Rates and Charges

A. Yearly Minimum Service Charge

The annual flat rate charge applies to service during the 12 month period, commencing July 1. This charge prevails if the water is turned on at any time during the year and is paid on a monthly basis in advance.

B. Service Outside the Boundaries of the District

For water and service furnished to each premises outside the District boundaries, an annual charge will be in such amount as the Board of Directors shall from time to time in its sole discretion set by resolution of said Board.

C. Charges for Water Service

The charges for services and water used within the District boundaries shall be fixed from time to time by resolution of the Board of Directors.

Section 14. 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.

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.

Section 15. Fire Hydrants

A. Use of and Damage to Fire Hydrants

No person or persons, other than those designated and authorized by the District authority, or by the District, shall open any fire hydrant, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. Any person causing damage to a fire hydrant shall be responsible for its repair or replacement.

B. 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.

Section 16. 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 water equipment, or the negligence, want of proper care or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on originally or when turned on after temporary shutdown.

Section 17. Damage to District's Property

The customer shall be liable for any damage to a valve or other equipment or property owned by the District which is caused 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 valve, and any damage to a valve that may result from surges or from hot water or steam from a boiler or heater or the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Section 18. Control Valves

The customer shall install a suitable valve, as close to the service location as practicable, the operation of which will control the entire water supply from the service.

Section 19. Cross Connections

A. Health Regulations

Regulations of the Lassen County Health Department, California State Department of Public Health and the Drinking Water Standards of the United States Public Health Service prohibit unprotected cross connections between the public water supply and any unapproved sources of water.

B. District Requirements

To comply with the regulations of these health agencies, the District will require the installation of approved double check valves or other approved backflow protection devices by and at the expense of the customer before service will be granted under any of the following conditions.

1. Where an unapproved fresh water supply is already available from a well, spring, reservoir or other source. If the customer agrees to abandon this other supply and agrees to remove all pumps and piping necessary for the utilization of this supply, the installation of back flow protective devices will not be required.

2. Where salt water, or water otherwise polluted, is available for industrial or fire protection purposes.

3. Where the premises are or may be engaged in industrial processes using or producing process waters or liquid industrial wastes, or where the premises are or may be engaged in handling sewage or any other dangerous substance.

4. Where the circumstances are such that there is special danger of backflow of sewage or other contaminated liquids through plumbing fixtures or water-using or treating equipment, or storage tanks and reservoirs.

C. Relief Valve Required

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 valves and the water heater.

D. Plumbing changes Required

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 to the backflow preventive devices. In making plumbing connections the customer shall be guided entirely by local or state plumbing ordinances and not by the District.

E. Backflow Protection on Additional Water Supply Lines

Whenever backflow 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 backflow device, regardless of the use of the additional water supply lines.

F. Protection Against Interstreet Main Flow

Two or more services supplying water from different street mains to the same building structures or premises through which an interstreet main flow may occur, shall have a standard check valve on each water service to be located adjacent to and on the property side of the respective valves.

Such check valves shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination, but the installation of approved dual backflow devices at such valves shall take the place of, and satisfy the requirements for, standard check valves.

G. Inspection of Backflow Protective Devices

The double check valve or the approved backflow protection devices may be inspected and tested periodically for water tightness by the District.

In addition, the regulations of the State Department of Public Health require that the owner of any premises on which or on account of which check valves or other protective devices are installed shall inspect these devices for water tightness and reliability at least every three months. The device shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

H. Discontinuance of Service for Defective Apparatus

The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installations 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.

I. Pressure Regulators

Where reduced or increased pressure is desired, the customer shall be responsible for installing and maintaining the necessary regulators, pumps and relief valves. In such cases, the equipment shall be installed on the customer's side of the valve and at his own risk and expense in such a manner as not to endanger the water system.

Section 20. Ground - Wire Attachments

All individuals or business organizations are forbidden to attach any groundwires 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.

Section 21. Water Waste

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 days after giving the customer written notice.

The consumer has sole control of the amount of water drawn from the District's main through the shut off valve and is responsible for maintenance and repairs of pipes and fixtures beyond the valve. No allowance will be made for loss of water due to faulty fixtures or broken or damaged water pipes beyond the valve.

Section 22. Access to Premises

A. The District or its duly authorized agents shall at all reasonable times have the right to enter or leave the customer's premises for any purpose properly connected with the service of water to the customer.

B. Any inspection or recommendations made by the District or its agents on plumbing or appliances or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge.

Section 23. Interruptions in Service

The District shall not be liable for damage resulting from an interruption in service. Temporary

shutdowns may be resorted to by the District for improvements and repairs. Whenever possible, and as time permits, all customers affected will be notified prior to such shut downs.

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. The District whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right temporarily to suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be prosecuted as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers.

Section 24. Extension of Service

A. Water service will be furnished without charge to all legally sub-divided lots in the District that have been sub-divided prior to July 1, 1971.

B. All applicants for service shall be required to file an application and make the following payments:

1. For lands within the District as of July 1971.

2. For lands submitted to the District after July 1971:

(A) Service charges as set by District resolution.

(B) Storage facility charge.

(C) Transmission facility charge

A "Storage Facility Charge" shall be determined by the Board of Directors from time to time and set forth by Resolution. It shall be based on the number and size of connections and shall be payable upon application for service (or upon construction and prior to acceptance of "in-tract" water system in the case of developers).

Such rate shall be computed so as, in the sole discretion of the Board, to equalize the cost of providing storage facilities, with necessary appurtenances, throughout the District.

The "Storage Facility Charge" payable by developers shall be determined by applying the rate for a 3/4-inch pipe to each lot in a tract. If a tract lot owner subsequently applied for a pipe larger than 3/4-inch the difference between the "Storage Facility Charge" for the pipe ordered and the "Storage Facility Charge" for a 3/4-inch pipe shall be payable upon application for service.

C. A "Transmission Facility Charge" shall be determined by the Board of Directors from time to time and set forth by Resolution. It shall be based on gross area and shall be payable upon annexation. Such rate shall be computed so as, in the sole discretion of the Board, to equalize the cost of additional arterial transmission lines needed to serve the District. All "individual services" must be put in and the cost thereof borne by applicant prior to service.

D. All "In-tract" facilities, including easements and tank sites, must be dedicated to the District, prior to acceptance of the development for service. The cost of such "in-tract" facilities shall be borne by the developer. All such facilities must meet District's standards and specifications. The term "in-tract" as used herein shall refer to the following facilities installed within the boundaries of a subdivided tract:

All distribution mains, including connections to existing mains, even if outside the tract, necessary service stubs, or service pipelines, fire hydrants, fittings, valves, and housing thereof, exclusive of in-

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dividual service connections and Valves.

If additional facilities of a permanent nature are required to provide pressure or storage exclusively for the service requested, such facilities will be included.

E. Schools, whether private or public, and non-profit or charitable institutions, shall be considered as commercial applicants for the purpose of this section.

F. Applicants for commercial service shall be treated either as individual applicants or as sub-dividers for the purpose of determining transmission facility charges and storage facility charges, as appropriate in the discretion of the Board. The Board shall consider such factors as the size of the property served, the number of connections necessary, the amount of main extension required in and out of streets, storage and pressure requirements, and like factors. The Board shall have the power to make special arrangements or agreements, or impose special conditions as to commercial services where such seem appropriate.

G. Inadequate "in-tract" system. The Board in its sole discretion, may accept for annexation areas with existing "in-tract" systems which do not meet District specifications. In such case, an "in-tract distribution facilities charge" shall be levied. Such rate shall be determined from time to time by the Board of Directors and set forth by Resolution. It shall be based on gross area, and shall be payable at time of annexation, unless the Board shall determine that such charges may be financed by the applicant by formation of an improvement or assessment district or by some other means. It shall be computed on the basis of average cost of installation of "in-tract" system, with a credit given for the depreciated value of the existing system of applicant.

H. Credit for Construction of Facilities. It is the policy of the District to: require applicants for service to construct, under District supervision and specifications, transmission facilities necessary to connect mains of District to the development of applicant, together with such storage as may be required by District Engineer. The cost of construction of such "out-of-tract" facilities, (including engineering design fees) after certification as reasonable and proper by District Engineer, shall be credited against "storage" and "transmission" charges required by Section "B" above. If the approved cost shall exceed the required charges, District will enter into an agreement to refund such excess from transmission and storage fees collected within 10 years from future connectors to such "out-of-tract" transmission facility. The District itself will make the refunds and will pay over those sums actually collected from such future connectors, as defined by the District Engineer at time of such agreement.

Section 25. Effective Date of Ordinance

This ordinance shall be in full force and effect on the 2nd day of August 1971.

Passed and adopted by the Board of the Westwood Community Services District at its adjourned meeting this 28th day of June, 1971, by the following vote:

AYES, Directors: Ballard, Cotter, Wolford, Tomberlin

NOES, Directors: None
Directors Absent: Sands

Lewis C. Tomberlin
President of the Board

Countersigned:

Ruth Ceaglio

Secretary of the Board