

ORDINANCE NO. 9678 (N.S.)

AN ORDINANCE ADOPTING THE
SAN DIEGO COUNTY WATER SERVICE ORDINANCE
ESTABLISHING PROVISIONS FOR
THE USE OF COUNTY OWNED WATER FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. ESTABLISHING ORDINANCE. The San Diego County Water Service Ordinance is adopted to read as follows:

Section 2. PURPOSE AND POLICY. The purpose of this ordinance is to establish terms and conditions under which the County will provide water service to customers using County owned facilities.

Section 3. DEFINITIONS

Board means the San Diego County Board of Supervisors.

County means County of San Diego.

DPW means the County of San Diego Department of Public Works.

Director means the Director of Public Works.

Customer means the name and address of the person whose name appears on the permit/application and who is responsible for payment of services.

Parcel means a portion of real property to which the Assessor of San Diego County has assigned an individual Assessor Parcel Number.

Owner, Property Owner, Parcel Owner, means the owner, owners or any individual owner of record having interest in any real property, according to the official records of the San Diego County Recorder.

Water Service Permit means a permit issued to a new customer approving connection to the water system, subject to terms and conditions as specified by the Director and this ordinance.

Water Connection Fee means a one-time fee charged to new customers for their fair share buy-in into the water system.

Section 4. WATER SERVICE PROVISIONS. Water service shall be furnished only to parcels approved by the Board of Supervisors or a Board approved County officer. When the need for a capital improvement and/or system capacity increase occurs because of the extension of service to

new customers, the cost for the improvement/additional capacity shall be the financial responsibility of the property owner(s).

Section 5. CONTROL AND OPERATION OF SYSTEMS. All water systems and appurtenances thereto shall be under the management and control of the County of San Diego, Department of Public Works. No person, other than an employee or agent of DPW, shall have any right to operate any part of the water system. Any person who tampers or interferes with any component of these systems shall be liable for any resultant injury or damage.

DPW will maintain waterlines, wells, storage tanks, pump stations, and other capital facilities. On going maintenance and replacement of facilities will be at the direction of DPW.

DPW will be responsible for the waterline maintenance to the meter. The property owner is responsible for the waterline maintenance from the meter to the dwelling or structure.

Section 6. INSTALLATION OR REMOVAL OF WATER SERVICE CONNECTIONS. Only DPW personnel are permitted to install or remove water meters from the water system. All water meters are owned by the County. Payment by a customer of installation fees, meter cost, connection fees, or any other fees or charges shall not transfer ownership of a meter from the County to a property owner.

Section 7. WATER METER USE. Water shall not be supplied to more than one parcel through a single water meter. Multiple connections are strictly prohibited and their use is considered a theft of water and constitutes grounds for termination of service.

Section 8. TURNING ON OR OFF OF WATER SERVICE METERS. Except as otherwise specifically authorized by the County, only DPW personnel shall be permitted to turn water on or off at any service connection, valve or meter of the water system or to operate any device that will regulate the flow of water within the system. This also applies to the use of temporary water meters for construction or related purposes.

Section 9. INSPECTION OF CUSTOMER PREMISES. Authorized DPW personnel shall have access at reasonable hours to all premises to which the County provides water service in order to inspect the system, meters, or measuring devices, and to determine whether the customer is in compliance with the Water Service Ordinance. With the exception of emergency situations, DPW will attempt to notify the customer no less than 24-hours in advance if entrance to premises should be required.

Section 10. INTERRUPTIONS OF WATER SERVICE. The County cannot guarantee continuous delivery of water on demand. From time to time it may be necessary for the County to shut off the flow of water to any part or all of its water system. With the exception of emergency situations, DPW will attempt to notify all customers no less than 24-hours in advance of the need to interrupt water service.

The County shall not assume responsibility or liability for loss or damage that may occur due to

interruption of water service.

Section 11. PRIVATELY OWNED WATERLINES. The County assumes no responsibility for the delivery of water through privately owned waterlines or systems, nor shall it assume any responsibility for damages resulting from the operation of any such facility even though water is received from a County water distribution system.

Section 12. RESALE OF WATER. The resale of water furnished by the County is strictly prohibited.

Section 13. FIRE HYDRANTS OR OTHER FACILITIES. No person may withdraw water from any fire hydrant, blow-off valve, or other water appurtenance unless an agreement has been entered into with the County. Withdrawals of water made from fire hydrants or water storage facilities for emergency fire suppression purposes are permitted without prior approval. Prior approval will be required for withdrawals made by other government agencies. Forty-eight hour notice and approval by the County will be required for water withdrawn for fire suppression training purposes.

Section 14. STATE LAWS. For the protection of public water supplies, many offenses are State law misdemeanors for which the offender may be criminally prosecuted. This includes but is not limited to the following:

Section 498(b), Penal Code: Any person who, with intent to obtain for himself or herself utility services without paying the full lawful charge therefore, or with intent to enable another person to do so, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides shall be guilty of a misdemeanor.

Section 624, Penal Code: Every person who willfully breaks, digs up, obstructs, or injures any pipe or main for conduction water, or any works erected for supplying buildings with water, or any appurtenances or appendages connected thereto, is guilty of a misdemeanor.

Section 625, Penal Code: Every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any stopcock or faucet by which the flow of water is controlled, after having been notified that the same has been closed or shut for specific cause, by order of competent authority, is guilty of a misdemeanor.

Section 1882.1, Civil Code: A utility may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following acts:

Diverts, or causes to be diverted, utility services by any means whatsoever.

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

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

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

Uses or receives the direct benefit of all, or a portion, of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the

use, or that the use or receipt was without the authorization or consent of the utility.

Section 1882.2, Civil Code: In any civil action brought pursuant to Section 1882.1, the utility (County of San Diego) may recover as damages three times the amount of actual damages, if any, plus the cost of the suit and reasonable attorney's fees.

Section 15. WATER PRESSURE. The County will attempt to provide a normal working pressure in the distribution system between 35 and 65 pounds per square inch (psi) as recommended by the American Water Works Association.

(a) Customer Responsibility. The County shall assume no responsibility for water pressure regulation on customer side of the meter. The customer shall be responsible for providing adequate safeguard measures to regulate water pressure from the water meter to the customers' dwelling or structure.

(b) Low Pressure. The County cannot guarantee adequate water pressure in any part of the water system, and pressures may vary from place to place and from time to time. The water pressure will depend on conditions of supply, rates of use and elevations of service. If a customer finds that flow or pressures at the point of use are insufficient, DPW will check the flow available at the customer's meter. However, DPW will not attempt to find the cause of deficient pressure or flow at the point of use if the flow at the meter is within the normal working pressure.

Section 16. WATER METER ACCURACY TESTING

DPW will test water meters periodically for accuracy. If a meter has not been tested within one year after a customer request has been received, DPW will test it free of charge. If the meter had been checked within the past year, the request will be subject to a fee.

If the test indicates a reading of more than 5% above true delivery, a new meter will be installed at no cost to the property owner. The customer will be given a pro-rated credit based on the three most recent billing statements.

If the test indicated less than a 5% variance above or below true delivery the meter shall be deemed accurate.

If the test indicates more than 5% below true delivery, the property owner will be billed for a pro-rated adjustment based on the three most recent billing statements.

Any meter in service which fails to register during any billing period is presumed to have delivered water in accordance with average past deliveries through the meter for similar periods.

Section 17. GUIDELINES FOR EMERGENCY OR DROUGHT CONDITIONS. In order for the County to provide adequate water supplies, there will be restricted uses of water during declared emergency or drought conditions. The Director or designated agent is authorized to declare an emergency or drought condition. Excluding routine household uses for water or for fire suppression,

other uses which include, but are not limited to, washing cars and lawn irrigation may not be permitted, or will be regulated to certain hours of the day or days per week. A written notification detailing restrictions will be sent to all customers.

Section 18. CROSS CONNECTIONS AND BACKFLOW DEVICES

(a) Definition: Cross-connection as used in these regulations is any physical connection or arrangement of pipes or fixtures not authorized by the County between the County water system and any other source of water, fluid, or a substance that is not or cannot be approved as safe, wholesome and potable.

(b) Incorporation of State Regulations. The regulations relating to cross-connections issued by the State Department of Public Health (Title 17, California Code of Regulations, Sections 7583-7605) are hereby adopted as part of this ordinance. Any future amendment to the State regulations shall be deemed as part of this ordinance.

(c) Responsibility. The County shall be responsible for implementing and enforcing the cross-connection control program. An appropriate backflow prevention assembly shall be installed by and at the expense of the water customer at each connection where required to prevent backflow from the water customer's premises to the domestic water system. It shall be the water customer's responsibility to comply with County requirements.

(d) Cross-Connection Requirements. The type of protection that shall be provided to prevent backflow into the public water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the water customer's premises. Unprotected cross-connections with the public water supply are prohibited. The type of backflow prevention assembly that may be required (listed in decreasing level of protection) includes: Air-gap separation (AG), Reduced Pressure Principle Backflow Prevention Assembly (RP), and a Double Check Valve Assembly (DC). The water customer may choose a higher level of protection than required by the water supplier. The minimum type of backflow protection required to protect the approved water supply at the customer's water connection to premises with varying degrees of hazard are listed in Table 1 of Section 7604, Title 17. Situations that are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the County. The County shall have the right to remove, repair, and/or replace a defective backflow device at the sole expense of the customer, if the customer fails to adequately maintain the device.

(e) Backflow Prevention Assemblies. Only backflow prevention assemblies that have been approved by the County shall be acceptable for installation by water customer. A list of approved backflow prevention assemblies will be provided upon request to any affected customer. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, Title 17, California Code of Regulations. Location of the assemblies shall be as close as practical to the customer's connection. The County shall have the final authority in determining the required location of a backflow prevention assembly.

Testing of backflow assemblies shall be conducted only by qualified testers and testing will be the

responsibility of the water customer. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. More frequent testing may be required if deemed necessary by the County. No assembly shall be placed back in service unless it is functioning as required. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water customer. Approval must be obtained from the County prior to removing, relocating, or replacing a backflow prevention assembly.

(f) Administration. The cross-connection control program shall be administered by the County. The County will establish and maintain a list of approved backflow prevention assemblies, as well as a list of approved backflow prevention assembly testers. The County shall conduct necessary surveys of water customer premises to evaluate the degree of potential health hazards. The County shall notify customer when an assembly needs to be tested. The notice shall contain the date when the test must be completed. Inspection reports shall be forwarded to DPW.

(g) Enforcement. Failure of a customer to install and maintain a backflow prevention device, when required by the County, shall be grounds for immediate termination of water service to customer's property, and DPW is hereby authorized to terminate such service.

Section 19. RATE STRUCTURE AND BILLING POLICIES. The following fees and charges are to be established by separate County ordinance:

(a) Water Service Charges shall, at the discretion of the County, be based on either a flat rate or commodity rate. Water service billings will be delivered by mail to all customers either on a monthly or bimonthly basis at the sole discretion of the County.

(b) Water Connection Fee is a one-time charge to be paid by any customer who requires installation of a new water meter.

(c) Base Water Charge. All permanent water meter connections shall be subject to a base charge whether or not water is used. Charges for initial and closing bills will be prorated on a daily basis.

(d) Annexation Fees shall be paid by the property owner with property outside the service area boundary.

(e) Bulk Water Rates. The bulk water rate shall either be based on per cubic foot or gallonage basis. Any person desiring to purchase bulk water must pay a one-time, non-refundable administrative fee.

Bulk water service may be terminated by the County after two weeks notice given by certified mail to the address on the application for service. In the event of an emergency, bulk water service may be terminated immediately and without prior notice.

Use of water to fill water trucks, etc., will be on a case-by-case basis. An application must be filed with DPW and the customer must provide a temporary certified water meter.

- (f) Water Meter Fees - customer without a meter. The water meter and installation will be based on actual cost. A payment of 75% of the estimated cost is required prior to installation. The remaining fee will be billed on the first invoice. This fee applies to the initial installation, re-installation, relocation, increase or decrease in water meter size. DPW personnel will install the water meter and distribution line to the customer's property boundary.
- (g) New customer charges with existing meters. New customers will be required to pay an activation charge.
- (h) Service Charge. The County will impose a service charge for requests for refunds from customers canceling a request for a meter installation after the fees and paperwork have been completed.
- (i) Past Due Accounts. A late fee will be charged to any account with an outstanding balance after the posted due date. Payments must be received by the date posted on the invoice.
- (j) Termination of Service. Any account with an outstanding balance after 30 days will be subject to the water/sewer service being shut-off and the meter locked. A notice will be posted on the property 48 hours before termination of service.
- (k) Reinstatement Fees. There will be a fee to re-establish service when there is a delinquent shut off.
- (l) Reinstatement of Services. In situations where water service has been terminated or the meter has been removed, the water meter will not be re-installed until all applicable charges have been paid:
1. Outstanding water bills.
 2. Meter installation fee.
 3. Customer activation fee.
 4. The cost of any damage to County property.
- (m) Damage to Meters and Valves. Whenever DPW has determined that a water meter or valve has been tampered with or damaged in such a manner that the meter does not properly register the consumption of water, or has been damaged to illegally access water, the meter will be removed.
- (n) Damage to County Property. Damage to County property caused by customers will be repaired by DPW and charged to the customer up to three times the cost of labor, materials, and equipment per Section 1882.2, California Civil Code.
- (o) Service Repair Charge. Shut-off of County valves for customer repairs will be subject to a service charge.
- (p) Returned Checks. There will be a service charge for all returned checks. Any returned check can only be satisfied by cash or money order. If there are two returned checks in a twelve-month

period, no further checks will be accepted.

Section 20. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED THIS 6TH DAY OF OCTOBER, 2004.