

**WCSD ORDINANCE 2014-1
(ORDINANCE 2006-1 REVISED)**

**An Ordinance of the Westhaven Community Services District
Establishing Water Use Regulations.**

BE IT ORDAINED by the Board of Directors of the Westhaven Community Services District, Humboldt County, California, as follows:

**ARTICLE 1
GENERAL PROVISIONS**

Section 101 - Short Title

This ordinance shall be known and may be cited as "WCSD General Water Use Regulations".

Section 102 - 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 number.

Section 103 - Effect of Definition

The definition of a word applies to any of its variants.

Section 104 - 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.

**ARTICLE 2
GENERAL DEFINITIONS**

Bathroom

means a room or rooms containing a toilet and typically a washbasin, bathtub or shower.

Board

means the Board of Directors of the District.

District

means the Westhaven Community Services District.

Dwelling

means a structure which can be used as an independent residence and which includes plumbing pipes and fixtures for a kitchen and bathroom. A dwelling may be a separate structure, or it may be contained separately within a larger residential structure as an additional dwelling unit.

Kitchen

means a room or place equipped for the preparation or cooking of food and typically containing a sink, and a stove or other cooking appliance.

Main

means a water line in a street, highway, alley or easement used for general distribution of water to individual services and/or to fire protection facilities.

Manager

means the General Manager of the District.

Owner

means the person owning the fee title or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's Office, executor, administrator, guardian or trustee of the owner.

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Parcel

means County Assessor's parcel.

Personnel

means the, Manager, Secretary, Bookkeeper, Cash Receipts Clerk, Water Treatment Operator, Relief Water Treatment Operator and any other staff or employee of the District.

Policies

means written rules passed by the Board in the form of motions, ordinances, resolutions or amendments.

Public Fire Protection Service

means water 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, except house service connections and appurtenances thereto.

Regular Water Service (Service)

means water service and facilities rendered on a permanent basis.

Service Connection

means the pipeline and appurtenant facilities including without limitation meter stop or service valve, meter, and meter box, used to extend water service from a main to private property, the laying thereof and the tapping of the main. Where services are divided at the curb of the property line to serve several customers, each branch service shall be deemed a separate service.

Water Service Allotment

means water service authorized by District Ordinance 2013-1 and its subsequent revisions (Establishing Priority for Providing Water Service to District Residents). A separate and distinct water service allotment is required for each dwelling connected to District water service.

Water System

means a system, plant works and undertaking used for obtaining, purifying, storing and dispensing of water for public and private uses, including all parts of the system, all appurtenances thereon, and land, easements, rights of way, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

**ARTICLE 3
SERVICES**

Section 301 - Monthly Charge for Water Service

Monthly base rates and commodity rates for regular water service shall be set by Resolution of the Board.

Section 302 - Installation and Location of Services

Regular water services will be installed to the size and at the location agreed to by the applicant and the Manager.

Section 303 - Changes in Customer's Equipment

Customers making any material change in the size, character, or extent of the customer's equipment or operations utilizing water service, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application for service.

Section 304 - Meter Stop

Every service connection installed by the District shall be equipped with a meter valve and meter. The meter valve is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the meter valve or meter is damaged by the customer or customer's agent to an extent requiring replacement, such replacement shall be at the customer's expense.

Section 305 - Domestic Service Connection

It shall be unlawful to maintain a connection unless in conformity with the following rules:

- a. Single Connection: Not more than one service connection for domestic supply shall be installed for one dwelling.
- b. Different Owners: A service connection shall not be used to supply adjoining property of a different owner.
- c. Direct Entry: All service connections shall directly enter the parcel to be served unless there is no public easement adjacent to the parcel.
- d. Divided Property: When property with a service connection is sub-divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.
- e. Separate Dwellings or Parcels: Each dwelling or parcel shall have its own separate service connection.
- g. Water Service Allotment: Service connections shall not be used to supply water to a parcel or dwelling that does not have a water service allotment.

Section 306 - Service Connection

The service connection extending from the water main to the property line and including meter valve, meter and meter box shall be the property of the District and shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

**ARTICLE 4
APPLICATION FOR SERVICE**

Section 401 - Application for Service – New Service Allotment

Owners of parcels qualifying for new service allotments may make application for new service by completion of the form provided and payment of any charges established by the Board. Once an application is accepted by the District, the customer shall comply with all WCS D regulations. Parcels receiving new service allotments and containing multiple dwellings shall obtain a separate service allotment for each dwelling, including payment of all associated charges, before any new service connections will be made by the District.

Section 402 - Application for Service - Change of Ownership

Upon change of parcel ownership, the new owner may make application for service by completion of the form provided and payment of any charges established by the Board, along with all outstanding District charges accrued to the parcel. Once an application is accepted by the District, the customer shall comply with all WCS D regulations.

Section 403 - Application for Service - Billing to Renter or Other Designated Customer

An owner may request that a renter or other designated customer be billed for the services provided by the District. A request to the District to bill someone other than the owner shall be completed in the form provided by the District including payment of any charges established by the Board. The form shall be signed by both the owner and the person to be billed. All amounts past due shall be paid before a request is acted upon by the District. The owner shall be responsible for any unpaid bills or charges left by the designated customer.

Section 404 - Application for Service - Vacant Parcel – Westhaven Mutual Water Company (WMWC) Share

Application for service for vacant parcels in Section 301 of Ordinance 2013-1 (WMWC Shareholders) may be made by completing the form provided including payment of any charges established by the Board. Before water service is provided the applicant must pay all outstanding District charges accrued to the parcel. If installation of a service connection is required the applicant shall pay the actual cost of such installation.

Section 405 – Application for Transfer of Water Service Allotment

Application to transfer a water service allotment from one assessor’s parcel to another may be made by completing the form provided including payment of any charges established by the Board. Regulations governing transfer of service allotment shall be set by WCS D resolution.

Section 406 - Application for Regular Water Service When Main Extension Required

The following rules are established for making main extensions:

- a. Application: Any owner of one or more parcels desiring the extension of one or more water mains to serve such property, shall make a written application on the form provided which contains the legal description and parcel number of the property to be served, and any additional information which may be required by the District, to show the location of the proposed connection.
- b. Investigation: Upon receipt of the application, the Manager shall make an investigation and survey of the proposed extension and shall report his findings and the estimated cost thereof to the Board, along with his recommendation for approval or denial.
- c. Ruling: The Board shall consider such application and report, and either reject or approve it with any necessary modification.
- d. District Lines: All extensions thus provided for, in accordance with these regulations, shall be, and remain, the property of the District.
- e. Dead-End Lines: No dead-end lines shall be permitted, except at the discretion of the Manager, and in cases where circulation lines or flushing valves are necessary, they shall be designed and installed by the District as a part of the extension, and shall be included in the cost of the extension.
- f. Board Ruling: The District Board, upon review, shall approve modify or deny applications for main extensions.
- g. Costs: The applicant/s for main extension shall pay the total costs of the extension, including but not limited to costs of construction, and WCSD administration.
- h. Advance Costs: Upon approval of an application for main extension and before construction of the extension the applicant/s shall deposit with the District as cash, or other acceptable security, the total estimated cost of the proposed extension. Any excess deposit shall be refunded to the owner and any shortage shall be paid to the District prior to activating the water service.
- i. Pay Back Agreements: In the event that a main extension is required to provide water to a parcel of land, the District may enter into a pay back or refund agreement with the applicant. Under such agreements, the District may agree to refund to the applicant up to ninety-five percent (95%) of all main extension costs (excepting that portion of the extension classified as direct benefit to the applicant's/ Developer's project). Said refund to be collected from property owners or developers of properties adjacent to and which connect to said water line extension for a period of time up to but not exceeding ten (10) years from the effective date of the agreement.

ARTICLE 5
RATES

Section 501 - Rates

Water rates and all other District charges shall be established by Resolution of the Board.

ARTICLE 6
BILLING

Section 601 - Billing Period

The regular billing period shall be monthly.

Section 602 - Payment of Bills

Billing dates, due dates, disconnection dates, service charges, procedures for collection of past due bills and for termination of service shall be established by Resolution of the Board.

**ARTICLE 7
DISCONTINUANCE OF SERVICE**

Section 701 - Emergency Disconnection

Upon request and without charge the District will shut off the customers' water supply in an emergency and will restore service when the emergency has passed.

Section 702 - Unauthorized Water Use

Water service connections shall not be used to supply water to dwellings or parcels not authorized for service by the District Ordinances. Such unauthorized water use shall be reason for discontinuance of the service through which unauthorized water is being supplied and notification of the Humboldt County Planning and Building Departments after sixty (60) days written notice by certified mail to the customer of record and/or property owner. Notices of unauthorized water use shall be prepared by the Manager.

Services discontinued for unauthorized use shall be reinstated only after inspection by District personnel confirming permanent disconnection of the unauthorized use. The determination of whether a permanent disconnection has occurred shall be made in the sole discretion by the District Manager and shall be based on all evidence available to the Manager about prior history, current plumbing, proof of regular water deliveries to an alternate source, or any other evidence and information the manager believes relevant. The District may also require proof of regular deliveries to an alternate water storage facility.

Violation of any District regulation, including unauthorized water use, is a misdemeanor punishable pursuant to Section 19 of the California Penal Code and subject to administrative fines or penalties pursuant to Government Code Section 53069.4 and may also be punishable under Penal Code Section 498, Theft of Utility Services.

Section 703 - Disconnection of Unauthorized Use

Owners of parcels found to have unauthorized service connections shall be subject to the following:

- a. Unauthorized Parcel: Disconnection of a parcel unauthorized for service means permanent removal of all water lines connecting the unauthorized parcel to the WCSD service.
- b. Unauthorized Dwelling: Disconnection of a dwelling unauthorized for service means either permanent removal of all water lines connecting the unauthorized dwelling to WCSD service or permanent removal of all kitchen plumbing and fixtures from the unauthorized dwelling.
- c. Inspection of Disconnection of Unauthorized Use: Inspections to verify compliance shall be carried out within the conditions set forth in California Government Code Section 61612.5 and subsequent revisions. The initial and subsequent inspections of disconnection shall be carried out by the Manager, assisted by additional District representatives as necessary.
- d. Proof of Compliance: In cases where water storage tanks have been installed to provide water to dwellings or parcels not authorized for WCSD service, proof of water sources for filling said storage tanks shall be provided to the District on a regular basis.
- e. Failure to Comply: Failure of the property owner or the owner's agents, including but not limited to tenants on the property, to comply with the terms of this Section shall be cause for immediate cessation of WCSD water service to the parcel in question until such time as compliance has been restored. Subsequent failure to comply with the terms of this section shall be grounds for the District's seeking to have secondary unit kitchen improvements removed.

Section 704 – Appeal

Parcel owners receiving Notice of Unauthorized Water Use shall have the right to request an appeal before the Board of Directors. The appeal must be presented at the first regular meeting of the Board following the owner's receipt of Notice of Unauthorized Water Use, unless the Notice is received by the owner less than seven (7) days before the next regular meeting, in which case the appeal must be presented at the following regular meeting. The request for appeal must be made to the Manager at least seven (7) days prior to the Board meeting. The burden of proof of compliance with District regulations shall be on the owner. The decision of the Board shall be final.

**ARTICLE 8
GENERAL USE REGULATIONS**

Section 801 - Notices to Customers

Notices from the District to a customer for changes to water services will be given in writing. Where conditions warrant and in emergencies, the District may provide notification either by telephone or messenger.

Section 802 - 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 disconnect the service if such conditions are not corrected within five (5) working days after the customer is given written notice. The water service shall remain disconnected until the customer has established that the conditions of waste have been corrected.

Section 803 - District Materials and Equipment

District equipment and material shall be used only by District personnel or other authorized persons in carrying out the functions and business of the District.

Section 804 - 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, replaced or repaired by the District without the consent or interference of the owner or occupant of the property. No payment shall be made to the property owner for placing or maintaining said facilities on private property.

Section 805 - Damage to Water System Facilities

The owner shall be liable for any damage to the service facilities when such damage results from an act of the owner or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the owner or others on or near a meter valve. The District shall include charges for such damages with the next monthly water bill. Failure to pay the bill for damages within 60 days of presentation shall result in disconnection of the water service until such time as the bill is paid.

Section 806 - Ground-Wire Attachments

All individuals or business organizations 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 customer will be held liable for any damage occasioned by such ground-wire attachments. The District shall include charges for such damages with the next monthly water bill. Failure to pay the bill for damages within 60 days of presentation shall result in disconnection of the water service until such time as the bill is paid.

Section 807 - Interruptions in Service

The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the District.

Section 808 - Access

As specified in California Government Code Section 61612.5, representatives from the District shall have the right of access to the customer's parcel at reasonable hours for any purpose reasonably connected with the furnishing of water service, including inspection of suspected cross connections or unauthorized connections.

Section 809 - Responsibility for Payment of Bills

The owner of a parcel to which water service is provided shall be responsible for payment of all bills and charges associated with such water service unless the owner has completed written application to the District for billing to a designated customer other than the owner. The owner shall be responsible for all amounts left unpaid by the designated customer.

Section 810 - Leaks

The repair of all leaks on the customer's side of the meter, regardless of circumstances, shall be the responsibility of the property owner.

Section 811 - Emergency Water Delivery

The District may provide water on an emergency basis to residents of the District not connected to the water system. Emergency water deliveries shall be contingent upon determination by the District Manager that there is adequate water supply available and that such delivery can be reasonably made. The District shall bear no responsibility for the quality of water so delivered. Rates for and regulations governing emergency water delivery shall be set by Resolution of the Board.

Section 812 - Tampering with District Property

No one, except an employee or representative of the District, shall at any time, in any manner, operate the meter stops or valves, main meters, gates or valves of the District's System or interfere with the street mains or other parts of the water system.

**ARTICLE 9
PUBLIC FIRE PROTECTION**

Section 901 - Use of Fire Hydrants

Fire hydrants are for use by the District or by organized fire protection agencies only. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the District.

Section 902 – Modification of Hydrants

A property owner or other party desiring a change in the size, type, or location of a hydrant will bear all costs of such changes. Any change in the size or location of a fire hydrant must be approved by the District Manager and the Westhaven Volunteer Fire Department.

**ARTICLE 10
WATER SHORTAGE PRIORITIES**

Section 1001

If the District should run short of water for any reason, then the following priorities for water usage shall be followed:

- a. Household use.
- b. Garden use (vegetable)
- c. Ornamental plantings, lawns and other water use.

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APPROVED January 15, 2014

PRESIDENT OF THE BOARD
Westhaven Community Services District

ATTEST:
Secretary

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance 2014-1, "An Ordinance of the Westhaven Community Services District Establishing Water Use Regulations," passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the Fifteenth day of January, 2014, by the following roll call vote:

AYES: Verick, Hankin, Moon, Phipps

NOES: None

ABSENT: Smith

ABSTAIN: None

Sarah Jordan, Secretary
Westhaven Community Services District