

ROCKLIN-LOOMIS MUNICIPAL UTILITY DISTRICT

ORDINANCE NO. 2

AN ORDINANCE PROVIDING WATER RATES AND CHARGES FOR WATER FURNISHED BY THE WATER SYSTEM OF ROCKLIN-LOOMIS MUNICIPAL UTILITY DISTRICT; SETTING FORTH AND PROVIDING FOR ESTABLISHMENT OF RULES AND REGULATIONS FOR WATER SERVICE AND CONNECTIONS; PROVIDING FOR MEANS OF COLLECTION OF CHARGES AND FOR ENFORCEMENT MEASURES IN CASE OF NONPAYMENT OF CHARGES OR FOR CERTAIN VIOLATIONS; PROVIDING FOR APPEALS IN CERTAIN CIRCUMSTANCES AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND OF CHARGES HEREUNDER.

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BE IT ORDAINED BY THE BOARD OF DIRECTORS OF ROCKLIN-LOOMIS MUNICIPAL UTILITY DISTRICT AS FOLLOWS:

SECTION 1.

Definitions

The following terms when used in this Ordinance shall have the following respective meanings:

(a) "District" shall mean Rocklin-Loomis Municipal Utility District, a municipal utility district organized and existing under the laws of the State of California.

(b) "Board of Directors" shall mean the Board of Directors of the District.

(c) "General Manager" shall mean the General Manager of the District or other person designated by the Board of Directors to perform the services or make the determinations permitted or required under this Ordinance to be made by the General Manager.

(d) "Consumer" shall mean any person, firm, company, corporation, partnership, association, the District, any public corporation, political subdivision, city, county, district, the State of California or the United States of America, or any department or agency of any thereof, billed for water furnished by the district water system. The singular in each case shall include the plural.

(e) "District water system" shall mean all lands, easements, water rights, water tanks, water mains, treatment facilities, pumping stations, wells, pumps, storage, transmission and distribution facilities and appurtenances now owned by District or hereafter acquired by District which are used or useful in supplying water to the inhabitants of District.

(f) "Water" shall mean all water furnished through the District water system.

(g) "Premise" shall mean any lot, piece or parcel of land, or any building or other structure or any part of any building or structure having a connection with the District water system.

(h) "Water service" shall mean the services, facilities and water furnished or available to premises by the District water system.

(i) "Applicant" shall mean any prospective consumer applying for water service.

(j) "Domestic service" shall mean the furnishing of water for household residential purposes, including water used for sprinkling lawns, gardens and shrubbery, for washing vehicles and for other similar and customary purposes. "Commercial service" shall mean the furnishing of water to a premise where the consumer is engaged in a trade. "Industrial service" shall mean the furnishing of water to a premise for use by a consumer in manufacturing or processing activities. "Meter rate service" shall mean the furnishing of water by measured quantities. "Flat rate service" shall mean the furnishing of unmetered water. "Irrigation service" shall mean the furnishing of water for the purpose of growing crops, watering livestock or any associated or allied agricultural use.

(k) "Main extension" shall mean the extension of water distribution pipelines, exclusive of service connections, beyond existing facilities.

(l) "Date of presentation" shall mean the date upon which a bill or notice is mailed or delivered personally to the consumer.

(m) "District's supplier" shall mean the Pacific Gas & Electric Company or its successor or successors in interest with whom District has entered into a written contract whereby said Pacific Gas & Electric Company agrees to furnish water to District for resale, and each and every, all and singular of the provisions of said written contract are hereby incorporated into this ordinance and made a part hereof as though fully set forth herein, said contract being a public record, and all

utility obligations and any other obligation assumed or alleged to be assumed by District in connection with the distribution and supplying of water shall be expressly subject to the provisions and legal effect of said contract.

SECTION 2.

Description of Service

(a) The territory served by the District shall be all land within the boundaries of the District now or at any time hereafter served by the District water system. The District will serve water at consumers' service connections at such pressure and in such amounts as may be available from time to time in the normal operation of the District water system.

(b) All water supplied to consumers will be by meter rate service and will be measured by means of suitable standard water meters, except in cases where the Manager or Board of Directors determines that any other rate or classification established by this ordinance shall be applicable.

SECTION 3.

Water Rates and Charges

(a) Metered water service, applicable to all domestic, commercial and industrial meter rate service:

Quantity Rates:	<u>Per Meter</u> <u>Per Month</u>
First 10,500 Gallons, or less	\$ 4.00
Next 8,250 Gallons, per 1,000 Gallons	.333
Next 18,750 Gallons, per 1,000 Gallons	.240
Next 37,500 Gallons, per 1,000 Gallons	.173
Over 75,000 Gallons, per 1,000 Gallons	.133

(b) No water or no services or facilities of the District water system shall be furnished to any consumer or to any person free of charge.

(c) Separate premises under single control or management shall be furnished water through separate individual service connections unless the District elects otherwise. Separate houses, buildings, living or business quarters on the same lot, piece or parcel of land or on adjoining lots, pieces or parcels of land, under a single control or management shall be furnished water, at the option of the consumer exercising such control or management, by either of the following methods:

(1) Through separate service connections to each such house, building, or living or business quarter; or

(2) Through a single service connection to supply all of such houses, buildings and living and business quarters, in which case one monthly minimum charge shall be applied for each house or building or living quarters and the responsibility for payment of charges for all water furnished shall be assumed by the consumer having such control or management.

(3) Except by special written agreement with the District no consumer shall resell any water furnished by the District through the District water system.

#### SECTION 4.

##### Meter Tests and Adjustment of Bills for Meter Error

Any consumer may, on at least one week's written notice to the General Manager, request the District to test the meter serving his premises. Such consumer shall pay to District upon receipt of a bill therefor, the actual cost to District for performing such meter test.

The General Manager is authorized to negotiate and make adjustments if the test show the meter to have been more than 2% fast. When it is found that an error in a meter is due to a cause, the date of which can be fixed, the overcharge or undercharge will be computed, and the District will refund to or bill the consumer, back to but not beyond such date.

SECTION 5.

Billing For and Payment of Water Charges

Billing for water served by the District through the District system to each consumer shall be bimonthly, and all such bills shall be due and payable upon receipt. All bills become delinquent fifteen (15) days after receipt thereof by the consumer.

SECTION 6.

Persons Responsible for Payment; Establishment of Credit; Temporary Service

(a) All water charges shall be billed to the owner of the premise upon which charges herein fixed are levied and assessed, or to the person who requested connection to the District water system, or his successor in interest, or to any person requesting that such bill be charged to him. The liability of the owner of a premise, the tenant of a premise and/or the person requesting that such bill be charged to him, shall be joint and several.

(b) Each applicant for meter rate service will be required to establish his credit before receiving service. Credit will be deemed established if the applicant meets any one of the following conditions:

(1) If applicant is the owner of the premise upon which service is requested or of other real estate served by the District water system;

(2) If applicant makes a cash deposit of double the estimated amount of bimonthly billing, if service is to be through one 3/4 inch meter; or if applicant makes a cash deposit equal to double the estimated bimonthly bill but not less than \$ 8.00.

(3) If applicant furnishes a guarantor satisfactory to the District to secure payment of water bills.

(c) All deposits made with the District to establish credit will be held by the District in a special fund and may be applied by the District to unpaid bills for water service when service is discontinued or, to the extent that there are no unpaid bills for water service upon discontinuance thereof, will be refunded to the consumer; provided, that after a consumer has for 12 consecutive months paid all bills for water service prior to delinquency, the District will refund his deposit with interest at 5% per annum, but no interest shall accrue after mailing refund or mailing notice that refund is due and payable to the consumer at his last known address; provided, further, that no interest will be paid if service is discontinued within 12 months from the date on which any deposit was made.

(d) The District will, if no undue hardship to its existing consumers will result therefrom, furnish temporary service under the following conditions:

(1) The applicant will be required to pay to the District, in advance, the estimated net cost of installing and removing the facilities necessary to furnish the service; and

(2) Where duration of service is to be less than one month, the applicant may also be required to deposit cash equal to the

estimated bill, subject to adjustment and refund or repayment in accordance with actual bill rendered upon discontinuance of service.

(e) In the event a temporary service becomes permanent, the District will refund to the temporary consumer the amount paid for a temporary service installation upon payment of the applicable connection fee provided for in this Ordinance.

#### SECTION 7.

##### Notices

(a) Notices from the District to any consumer will be given in writing, either delivered to the consumer or mailed to his last known address, except that where conditions warrant or in any emergency the District may give verbal notice by telephone or in person.

(b) Notices from a consumer to the District may be given by the consumer or his authorized representative verbally or in writing at the office of the General Manager, or to an employee or agent of the District who is authorized to receive notices or complaints, or may be sent by mail to the General Manager's office.

#### SECTION 8.

##### Enforcement Measures; Delinquencies

(a) The District may refuse to furnish water and may discontinue service to any premise where apparatus, appliances or equipment using water is found by the General Manager to be dangerous or unsafe or where the use of water on such premise is found by the General Manager to be detrimental or injurious to the water service furnished by the District to other consumers, or where the General Manager finds that negligent or wasteful use of water exists on any premise which affects



The District's water service. In order to protect itself against waste and misuse of water by any consumer, the District may meter any flat rate service connection and apply the regularly established meter rates if the consumer continues to waste or misuse water for 5 days after the District has notified him in writing to discontinue such practice. The District shall have the right to refuse or discontinue water service to any premise if necessary to protect itself against fraud or abuse.

(b) The General Manager is hereby charged with the enforcement of all of the provisions of this Ordinance.

(c) In the event of violation (other than nonpayment of water service charges) of any terms of this Ordinance, the General Manager may disconnect a premise from the District water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the General Manager will exercise his authority to disconnect the premise from the District water system.

(d) Upon failure of any consumer billed or the owner of a premise or the person billed to pay any water service charge, the following action shall be taken by the District or the General Manager to enforce such payment, to wit: In each case where any bill for water service remains unpaid for fifteen (15) days after such bill becomes delinquent, the General Manager shall disconnect the premise from the District water system for nonpayment of water bills.

(e) Whenever a premise has been disconnected from the District water system for any violation of this Ordinance, such premise

shall not be reconnected to the District water system until all delinquent charges and penalties have been paid together with a reconnection charge of \$10.00.

SECTION 9.

Effective Date of Water Charges; Discontinuance of Service

(a) Water charges shall become effective against each premise immediately upon the beginning of operation of the District water system, and thereafter such charges shall become effective against all premises not then connected to the District water system immediately upon connection.

(b) Any consumer may have his water service discontinued by giving notice requesting discontinuance not less than two days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two days after the District has knowledge that the consumer has vacated the premise or otherwise discontinued water service. The District shall make a charge of \$5.00 for restoring water service to any consumer whose water service has been discontinued at his request.

SECTION 10.

Connections; Permits to Connect; Main Extensions

(a) The cost of all meters installed by District, including labor and meters, shall be borne by the consumer applying for service as well as the owner of such premise and title to all meters so installed shall be vested and remain in District. All requests for main

extensions or additional service by District shall be in writing and shall contain such information as may be required by the General Manager and shall be submitted to the General Manager for recordation and report to the Board of Directors for action.

(b) Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

(c) Consumers making any material change in the size, character or extent of the utilizing equipment or operations for which the District is supplying water service shall immediately give the District written notice of the extent and nature of the change.

(d) Failure by any person or any consumer to file his application, containing the information required by this Ordinance, shall constitute a violation of this Ordinance. No application shall be conclusive as to the matters therein set forth nor shall the filing of any application preclude the District from collecting from the consumer responsible for payment (as provided in this Ordinance) by appropriate action, such sum as is actually due and payable for water service under the provisions of this Ordinance. Each application shall be subject to verification by the General Manager.

(e) The District may require a written contract with any consumer as a condition precedent to water service in any case where unusual quantities of water or construction of special facilities are or will be required.

(f) No water pipe on any consumer's premise shall cross-connect the District water system with any other source of water supply. Whenever there exists on any consumer's premise another source of water supply which has not been approved by the Department of Public Health of the State of California as safe and potable for human use or whenever a consumer's premise is engaged in industrial purposes using or producing processed waters or liquid industrial wastes or in handling sewage or any other dangerous substances, the District may refuse or discontinue service until there has been installed on the consumer's service pipeline a suitable and approved double check valve installation, of a design approved by said Department of Public Health and installed at the expense of the consumer in a manner approved by the District and in a location which is readily available to the District for periodic inspection, for the purpose of protecting against backflow of water from the consumer's premise into the District water system.

(g) The District will not be responsible for any loss or damage caused by any negligence or unlawful act of any consumer or any other person in installing, maintaining, supplying or using any appliances, facilities or equipment for which water or water service is furnished by the District. Each consumer shall be held responsible for damage to the District's meters and other property comprising any part of the District water system resulting from use or operation of any appliances or facilities on such consumer's premise, including, without limiting the generality of the foregoing, damage caused by steam, hot water or chemicals.

(h) It shall be a violation of this Ordinance for any person to tamper with any of the property comprising the District water system.

#### SECTION 11

##### Duties of General Manager

(a) It shall be the duty of the General Manager to supervise all connections to the District water system, to collect all water bills and charges and all connection and other fees herein provided for, and to enforce all provisions of this Ordinance. The General Manager shall keep an accurate accounting and records showing the source, amount and disposition of all funds received by him hereunder.

#### SECTION 12

##### Appeals

(a) Any person who shall have a right to appeal as provided in any section of this Ordinance or who shall be dissatisfied with any determination hereafter made hereunder by the General Manager may, at any time within thirty (30) days after such determination, appeal to the Board of Directors by giving written notice to the General Manager and to the Secretary of the Board of Directors, setting forth the determination with which such person is dissatisfied. The Board of Directors may, at any time, upon its own motion appeal from any determination made by the General Manager hereunder. In the event of any such appeal, the General Manager shall transmit to the Board of Directors a report upon the matter appealed. The Board of Directors shall cause notice to be given, at least 10 days prior to the time fixed for such hearing, to all persons

affected by such appeal, of the time and place fixed by the Board of Directors for hearing such appeal. The Board of Directors shall direct its Secretary to mail a written notice, postage prepaid, to all such persons whose addresses are known to the Board of Directors.

(b) Pending decision upon any appeal relative to the amount of any charge hereunder, the person making such appeal shall pay such charge. After the appeal is heard, the Board of Directors shall order refunded to the person making such appeal such amount, if any, as the Board of Directors shall determine should be refunded.

SECTION 13

Validity

If any provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION 14

Effective Date of Ordinance

This Ordinance shall be in force and effect on and after the date of its final passage.


PASSED AND ADOPTED this 7th day of March, 1968,

by the following vote:

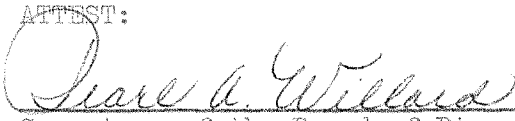
AYES: Directors Aitken, Gates, Howard, Kern and Kosanvich

NOES: Directors None

ABSENT: Directors None

  
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President of the Board of Directors  
of Rocklin-Loomis Municipal Utility  
District.

ATTEST:

  
\_\_\_\_\_  
Secretary of the Board of Directors  
of Rocklin-Loomis Municipal Utility  
District.