

ORDINANCE NO. 22-01

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE SAN JUAN WATER DISTRICT AMENDING
ORDINANCES NOS. 1000, 12000, 16000 AND 22000**

The Board of Directors of the San Juan Water District ordains as follows:

Section 1. Purpose and Authority. The purpose of this ordinance is to amend various sections of Ordinances 1100, 12000, 16000 and 22000. This ordinance is adopted pursuant to Government Code section 61060, and other applicable law.

Section 2. Amendments. Ordinances No. 1100 (General Provisions), No. 12000 (Rates and Conditions for Water Service), No. 16000 (Temporary Water Service) and No. 22000 (Service for Fire Protection Systems) are amended as follows:

Section 3.

A. Section 1000.02 is amended to read as follows:

1000.02 Definitions

The following words as used in the Code shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

“Access” means the ability to clearly and easily see and enter a District facility, such as a meter box, without removing branches, roots, landscaping, soil, etc. from the facility.

“Apartment Building” means a building containing separate residential apartments.

“Applicant” means any prospective Customer applying for water service.

“Application for Single Service - Connection” means a District form completed by the Customer with sufficient information to enable the District to establish a water account and document fees paid.

“Application for Single Service – Initial Review” means a District form completed by the Customer with sufficient information to enable the District to determine the appropriate meter size for the requested water service.

“Auxiliary Water Supply” means a water supply not supplied by San Juan Water District.

“Board of Directors” or “Board” means the Board of Directors of the District.

“Board Member” or “Member” means a Director of the Board of Directors.

“Capital Facility Fee” means the portion of the Connection Fee paid to fund the capital facilities.

“Commercial Service” means the furnishing of metered water for use by a Customer in a multi-family residence of more than 4 units or in a non-residential account, including but not limited to restaurants, retail stores, residential care facilities, golf courses, schools, homeowner associations with common landscaped areas, mobile home parks, or irrigation of agricultural or non-agricultural land.

“Condominium” means a unit owned individually in a multi-unit structure or on land owned in common.

“Connection Fee” includes the: (1) capital facilities fee and (2) the District meter installation inspection fee, and (3) a fee for installing a service tap (tapping fee) based on the cost of the time and materials to complete the work.

“Construction Water” means water used in construction activities such as compaction and dust control that is obtained through District hydrants with valid permit.

“Conveyance Agreement” means an agreement with the District to construct and quit claim facilities to the District.

“Customer” means any Person that owns real property that is supplied or entitled to be supplied with water service by the District.

“Date of Presentation” means the date a bill or notice is mailed or delivered personally to the Customer.

“Developer” means any Person, firm, association, partnership, joint venture or corporation who applies for acceptance by the District of an addition to the District’s water distribution system.

“Development Project” means any project with more than one lot.

“District” means the San Juan Water District, a community services District organized and existing under the laws of the State of California.

“Domestic Service” means the services, facilities and water furnished or available to residential Premises by the District water system.

“Easement” means the District’s right in, across, over, and under another Person’s property to access, construct, install, operate, maintain, repair, remove, and replace District facilities, regardless of whether or not the District’s right has been memorialized in a written document recorded in the Official Record of the county where the Easement is located.

“Funding Agreement” means an agreement requiring a developer to pay for all required and requested assistance from District staff and consultants during the planning, design and permitting process for a development.

“General Manager” means the General Manager of the District or other staff member designated by the General Manager or the Board of Directors to perform the services or make the determinations permitted or required under this code.

“Mainline Extension” means the extension of District’s water distribution pipelines, exclusive of service connections, beyond existing facilities.

“May” is permissive and “shall” or “will” is mandatory.

“Metered-Rate Service” means the furnishing of water by measured quantities using a mechanical device manufactured and installed on a water line.

“Off-Site Facilities” means facilities that must be constructed outside the boundaries of a development to bring utility service from the nearest District facility to the boundary of the land being developed.

“Person” means any individual, firm, partnership, joint venture, association, corporation, county, city, municipal corporation or other political subdivision, or any other group or combination acting as a unit.

“Premises” means 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.

“Right-of-way” means an Easement in a road or other area that has been dedicated to public use and in which the District may install and operate facilities without permission from the owner of any underlying private property.

“Service Area” means the area within the San Juan retail boundaries.

“Service Lateral” means the portion of pipe between the District water main and the water meter box location.

“Staff” means the General Manager and the personnel of the District under the General Manager’s supervision.

“Standards, specifications, and requirements” means the District’s standards, specifications, and requirements.

“Subdivision” means a real estate development resulting in a division of land into two or more lots or parcels.

“Tapping Fee” means a fee to install a water service tap.

“Temporary Water” means temporary water service through a District-provided meter for a period not to exceed 120 days and which is permitted without requiring the payment of capital facilities fees.

“Townhome or townhouse” means a usually single-family house of two or sometimes three stories that is usually connected to a similar house by a common sidewall.

“Unit of water” means 100 cubic feet or 748 gallons of water.

“Water Meter” means a mechanical device used for measuring and recording the quantity of water delivered to a Customer, and all fittings, valves, and equipment required to attach and operate the water meter.

“Water Service” means the water system services, facilities and water furnished or available to a Premise by the District.

“Water Service Fee” means that fee paid by a Customer to establish a new water account.

“Will Serve Letter” means a letter signed by the Board or General Manager and issued to a Developer or Applicant for a development project making a conditional statement that, as of the date of the letter, treated water supply and facilities are available to serve the proposed development project inside the District.

“Wholesale Service” means the furnishing of water by the District to another public agency or private water company for retail distribution to that entity’s customers through the agency’s or company’s water system for any beneficial use.

B. Section 12000.03.2 is amended to read as follows:

12000.03.2 Rates and Charges for Retail Water Service

The rates and charges for the various classes of retail water service furnished by the District shall be as follows:

A Class A – Flat Rate Residential Service – no longer used (discontinued January 1, 2005)

B Class B – Metered Residential Service

Metered residential water service will be provided at the District’s residential metered rates set by the Board of Directors.

Residential fire suppression sprinkler systems must be connected to the District’s water system per the District’s standards, specifications, and requirements for

residential fire suppression sprinkler systems. See Ordinance 22000 for additional information.

All multiple dwelling units of 2-4 units are charged the residential rate.

For rates, see District's current Schedule of Rates, Fees, Charges, and Deposits.

C Class C – Commercial Service

Water service for multi-family residence of more than 4 units or for non-residential accounts, including but not limited to restaurants, retail stores, residential care facilities, golf courses, schools, homeowner associations with common landscaped areas, mobile home parks, or irrigation of agricultural or non-agricultural lands, will be considered "Commercial Service," and shall be metered and billed at commercial metered rates set by the Board of Directors.

For rates, see District's current Schedule of Rates, Fees, Charges, and Deposits.

D Class D – Temporary Water Service

Water service provided on a temporary basis pursuant to Ordinance 16000 will be considered "temporary water service," and shall be two times the rate charged Customers for the same class of water service on a regular meter basis under this Ordinance 12000.03.

E Class E – Construction Water – Metered

Water service provided for construction purposes, including the filling of tank trucks and trailers, from a metered connection shall be furnished at the current commercial metered consumption rate (see Class C). Hydrant meter rental charges will also be charged at the rate listed in the District's current Schedule of Rates, Fees, Charges, and Deposits until the meter is returned to the District. A fee will be charged for each meter permit as listed in the District's current Schedule of Rates, Fees, Charges, and Deposits. See Ordinance Section 16000 for additional information.

F Class F – Construction Water – Unmetered – no longer used
(discontinued on January 1, 2022)

G Class G – Service for Fire Protection other than Residential Service
Described in Class B

Standby water service for private fire lines (to serve on-site fire hydrants or a sprinkler system for fire protection service within a building or both), for firefighting purposes only shall be at the rate described in District's current

Schedule of Rates, Fees, Charges, and Deposits and water furnished through private fire lines for uses other than firefighting is prohibited.

H Class H – Water Service Outside District

Water service outside the boundaries of the District shall be provided only upon prior approval of the Board of Directors, when there is a surplus of water available over and above the existing needs for service in the District. This service shall be temporary and may be terminated on written notice from the District.

The rate for water furnished under this Class shall be one- and one-half times the rate charged to in-District Customers for the same class of water service under this Section, except as otherwise provided in a service agreement approved by the Board of Directors.

C. Section 16000.03.1 is amended to read as follows:

16000.03.1 Temporary Water

Upon application for such service, the Customer shall pay all of the District fees and charges for tapping and new service as if applying for new water service. The payment of the capital facilities fee is not required for temporary water service. At its sole discretion, the District also may collect a temporary water meter deposit, which shall be determined on a case-by-case basis in light of factors such as type of water use, and location and exposure of the meter. Water supplied to a temporary construction meter will be billed at the District's water service fees and charges provided for Class D – Temporary Water Service. See Ordinance 12000 for additional information.

After installation, the Customer shall be responsible for protection of the meter and for any loss or damage thereto. If at the end of the temporary use period the District inspects the meter and determines that there has been no loss or damage to the meter, the meter security deposit will be refunded after all outstanding water charges have been paid. If in the opinion of the District, a temporary water meter has been lost or damaged to the extent that repair or replacement is necessary, the Customer shall be obligated to pay to the District the full cost of removal and repair or replacement of the temporary water meter. Such charges shall be deducted from the deposit paid by the Customer. The District will not approve a Customer's permanent connection to its water system and begin providing water service until the Customer has paid in full all temporary water meter repair or replacement charges and all tapping, capital facilities fees, and new services fees and charges.

D. Section 16000.04 is amended to read as follows:

16000.04 Hydrant Meters for Construction

16000.04 Construction Water – Metered

Water service may be provided for construction purposes, including the filling of tank trucks and trailers from a metered hydrant connection. Contractors or Customers shall obtain a Hydrant meter from the District and will be required to report usage on a monthly basis. A fee will be charged for each meter permit as listed in the District's current Schedule of Rates, Fees, Charges, and Deposits. Construction water permits shall not exceed 120 days.

To receive construction water service, the Customer shall make application at the District office and use a water meter with backflow prevention device or assembly, provided and approved by the District to measure the amount of water furnished. The Customer shall deposit the amount listed in the District's current schedule of Rates, Fees, Charges, and Deposits for use of the meter.

The Customer shall be responsible to take care of the water meter and associated equipment, and shall protect from damage. At the request of the District, the Customer shall return the meter to the District for inspection, refurbishing, repair, or calibration as deemed necessary by the District.

Upon termination of the service, the District will refund the amount of the deposit remaining after making the following deductions:

- ◆ Cost of repairing or replacing the meter, backflow prevention assembly, fire hydrant and/or any fittings damaged or lost while in use; and
- ◆ Unpaid charges for water used, meter rental or other applicable charges.
- ◆ If the meter is not returned, the deposit will be forfeited to the District.

Any unauthorized use of District fire hydrants shall be subject to immediate shut-off without notice and an unauthorized connection fee (as set forth in the District's current Schedule of Rates, Fees, Charges, and Deposits) plus the actual cost of the repair of any damage to District property, mains, fire hydrants, or other facilities shall be paid to the District by the unauthorized user of District fire hydrants

16000.04 Construction Water - Unmetered

Taking water for the filling of tank trucks and trailers on a non-metered basis is not allowed, and doing such shall be subject to penalty. Those needing water from a District hydrant shall make application at the District office and use a water meter with backflow prevention assembly furnished by the District to measure the amount of water furnished, as described in 12000.03.02.E.

E. Section 22000.01 is amended to read as follows:

22000.01 Service for Residential, Commercial or Industrial Purposes

The District will provide water service for fire protection systems for residential, commercial or industrial developments within the District. Such service shall be available only in accordance with the rules and regulations provided in this Ordinance and other applicable Ordinances

F. Section 22000.02.7 is amended to read as follows:

22000.02.7

Water for private fire protection services shall be provided in accordance with Section 12000.03.2 and the rates in the District's current Schedule of Rates, Fees, Charges, and Deposits shall apply. There is no connection fee for a private fire protection line.

Section 4. Effective Date. These ordinances shall take effect 30 days after its adoption.

Section 5. Publication. Within 15 days from the date of adoption of this ordinance, the Board Secretary shall publish it once in a newspaper of general circulation published and circulated within the District.

INTRODUCED by the Board of Directors on the 26th day of January 2022.

PASSED AND ADOPTED by the Board of Directors of the San Juan Water District at a regular meeting on the 23rd day of February 2022 by the following vote:

AYES: Costa, Miller, Rich, Tobin, Zamorano

NOES:

ABSENT:



KENNETH MILLER
President, Board of Directors

Attest:



TERI GRANT
Board Secretary