

# **General Policy and Rules and Regulations of TCWD**

## **CHAPTER 4: CONDITIONS FOR EXISTING SERVICES**

### **Section 4.1     Service Conditions.**

Water service shall be available only in accordance with the District's Rules and Regulations, as well as applicable Federal, State, and local statutes, ordinances, regulations, and contracts, and other requirements including, but not by way of limitation, the California Water Code, the California Administrative Code and regulations imposed by State and local health departments, as well as the terms of any Water Service Agreement, Application for Water Service and/or Permit issued by the District. Any such permit may be revoked by the District and thereupon all such water service shall cease in the manner provided in these Rules and Regulations.

As a condition of service, the District reserves the right to require any Applicant to construct any water facility that the District deems essential, including the over sizing or extension of water facilities.

### **Section 4.2     Customer Records.**

All Customer records are considered confidential and will not be released to the public unless State laws specify otherwise. The District may use Customer records for business purposes. Upon written request by the Customer, information can be released in accordance with their request(s). The District will respond when presented with a court order to Customer records provided that such records are not protected from disclosure in accordance with State law.

### **Section 4.3     Establishment of Rates.**

In accordance with the California Water Code, the Board fixes the water rates and other related fees and charges. Periodically, the Board reviews and adjusts the rates, fees and charges.

### **Section 4.4     Access to Premises; Inspection.**

Authorized employees of the District, upon presentation of credentials and during reasonable or necessary hours, shall have free access including gate codes and keys or key cards, to any premises supplied

with water, reclaimed, recycled, or provided sewer service by the District, for the purpose of reading meters and/or making repairs, inspections, examinations or tests of the systems upon said premises and to ensure compliance with these Rules and Regulations. The District reserves the right to determine the number of keys or key cards necessary to conduct its business.

If any authorized employee is refused admittance to any premises, or is hindered or prevented from reading meters, making repairs or inspections, examinations or tests, the District may cause the water to be turned off from said premises after giving twenty-four hours written notice to the owner or occupant of said premises of the intention to do so. The District may cause the water to be turned off without any notice in the case of major violations as determined by the General Manager due to health hazards or for shut off due to nonpayment.

The District reserves the right to conduct emergency inspections at any time concerning public safety.

#### **Section 4.5      Enforcement of Service Conditions; Application of Rules & Regulations.**

Existing service connections shall be brought into compliance with these Rules and Regulations when the Customer is so notified by the District. The notification will include a compliance date. Failure to comply by the compliance date may result in termination of water service.

#### **Section 4.6      Interruptions of Service.**

The District reserves the right at any and all times to shut off the water for the repairing, extending or altering, etc., of water mains, the repairing and replacing of hydrants, the repairing and renewing of water service connections or the changing and testing of water meters or check valves, etc.

When the water supply is to be shut off for any of the above reasons, the District will make a reasonable effort to deliver written notice of the shut off to the Customer or to some responsible person on the premises, but at no time assumes any liability for the failure of the Customer or property served to receive such notice.

The District reserves the right at any and all times to shut off the water supply, without any notice, when a matter of public health and safety is concerned or when the District deems it an emergency.

#### **Section 4.7     Limits of District Liability.**

The District assumes no responsibility for the maintenance and/or operation of the Customer's water system beyond the customer control valve and/or the point of ownership by District.

The District does not and will not assume any liability for damages to private property or for personal injury as a result of interruptions in water service as provided for in Section 4.6.

The District will not turn water on at any property where there appears to be no one at the property and District personnel have determined that there may be running water at or within the property.

#### **Section 4.8     Customer Liability.**

Except to shut off water to prevent damage, no person other than an authorized District employee shall at any time or in any manner, operate or cause to be operated, any valve in or connected with a water main, service connection or fire hydrant or tamper or otherwise interfere with any water meter, check valve or other part of the District's water system, except the Customer Control Valve. In the event a person, for any reason, digs out or uncovers a corporation stop, angle meter stop or valve controlling a water supply, lifts or removes a meter box cover or its center piece or causes or suffers any such act to be done, such person will be held liable to the District for any injury or damage occasioned thereby or resulting therefrom. In addition, the Customer will be held liable to the District for any costs incurred for repairing, replacing or adjusting any meter or other appurtenances which have been damaged due to negligence or carelessness, including but not limited to, damages caused by hot water or steam from a boiler.

#### **Section 4.9     Enforcement.**

4.9.1     New Service Connections. No new service connections shall be completed, nor meters installed, until all applicable provisions of the Rules and Regulations have been satisfied.

4.9.2     Existing Service Connections. Existing service connections shall

comply with all applicable provisions of the District's Rules and Regulations for water service. If it is found that the service is out of compliance, the service will be brought into compliance with all provisions of the District's Rules and Regulations for water service when the Customer is notified by the District. Failure to comply shall result in termination of water service.

4.9.3 Termination of Water Service. The District may immediately discontinue service to any premises where an actual or potential cross connection or other hazard to the District's water supply is found to exist. Any Customer who violates any of the provisions of these Rules and Regulations or alters, bypasses or renders inoperative, or removes any installed Backflow prevention device, or fails to test the device as required, shall be subject to immediate termination of water service.

4.9.4 Civil and Criminal Actions. Violation of these regulations may constitute a public nuisance within the meaning of Health and Safety Code Section 4036 and Penal Code Section 372. Violators may be subject to civil actions for abatement and/or damages (Civil Code Section 3479, et seq.) and criminal penalties of up to \$500 or both (Penal Code Section 29). Customers may also be assessed a fine of \$500 per day by the District for violation of these Rules and Regulations for water service.

## **Section 4.10     Termination.**

4.10.1 Basis for Termination. Conditions that create a basis for water service termination shall include, but are not limited to, the following items:

1. Refusal to install a required Backflow prevention device.
2. Refusal to test a Backflow prevention device.
3. Refusal to repair a faulty Backflow prevention device.
4. Refusal to replace a faulty Backflow prevention device.
5. Direct or indirect connection between the public water system and a sewer line.

6. Unprotected direct or indirect connection between the District's water system and a system or equipment containing contaminants.
7. Unprotected direct or indirect connection between the District's water system and an auxiliary water system.
8. A situation that presents an immediate health hazard to the District's water system.
9. Failure to comply with other provisions of these Rules and Regulations for water service.
10. Failure to allow access to property.

4.10.2 Termination Procedures. For conditions 1 through 4 stated above in Section 4.10.1, the District will terminate service to a Customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be taken. If no action is taken within the allowed time period, water service may be terminated without further notice.

For conditions 5 through 10 stated in Section 4.10.1, the District will make a reasonable effort to advise the Customer of the intent to terminate water service before termination.

4.10.3 Restoration of Water Service. Water service shall not be restored until hazards are eliminated and/or violations have been corrected to the satisfaction of the District. Nor shall water service be restored until the District has received reimbursement for any costs incurred in terminating the water service and advance payment for the cost of service restoration. All costs will be in accordance with the fees specified in the Schedule of Rates, Fees and Charges attached hereto as **Appendix D**.

#### **Section 4.11     Violations.**

The District shall have the right to discontinue service to any Customer or property owner who fails to comply with the District's Rules and Regulations. Such discontinuance of service shall occur after the Customer has been given written notice to remedy such noncompliance and/or to cease and desist from such violation or

infraction, and a reasonable opportunity thereafter within which to comply with said notices. Such time may be specified in the notice to comply/desist.

No such notice need be given where the noncompliance, violation or infraction of any rule or regulation by the Customer results, or is likely to result, in a dangerous or unsanitary condition or a health, pollution or system hazard on the Customer's premises and/or in the District's water system or elsewhere, or where discontinuance of service is necessary to protect the District from fraud, loss or abuse.

The General Manager may assess a fine to the Customer, as stated in the Schedule of Rates, Fees and Charges, for each violation of the District's Rules and Regulations and for each incidence involving the intentional and improper taking of water. Each day that a violation of these Rules and Regulations continues, or each day such intentional and improper taking of water continues, shall be treated as a separate violation of this provision. No further water service shall be provided to such Customer or property until such charge has been paid or otherwise satisfied. If the charge is paid under protest, the Customer can file a written appeal to the Board.

#### **Section 4.12     Right of Appeal.**

Notwithstanding any of the provisions of the Rules and Regulations concerning water service, any aggrieved Customer, who remains dissatisfied with the final decision of the General Manager in administering said Rules and Regulations, can appeal, in writing, such final decision to the Board. The Board shall hear such appeal and render its decision. The decision of the Board shall be final.