

**ORDINANCE 2016-01**

**TRINITY COUNTY WATERWORKS DISTRICT NO. 1  
SUMMARY OF PROPOSED ORDINANCE NO. 2016-01, REVISING REGULATING  
ORDINANCE PACKAGE ESTABLISHING RATES, RULES AND REGULATIONS FOR  
WATER SERVICE**

By action adopted by the Board of Directors of the Trinity County Waterworks District No. 1 (hereinafter "the District") pursuant to the provisions of Government Code section 25124 (b) (1) the following Summary of Proposed Ordinance 2016 – 01 , an Ordinance revising the District's Regulating Ordinance Package Establishing Rates, Rules and Regulations for Water Service , is hereby authorized to be published in a newspaper of general circulation throughout the jurisdiction of the District in order to notify citizens of a public hearing before the Board of Directors of Trinity County Waterworks District No. 1 to determine whether to adopt Ordinance 2016 – 01. This public hearing is scheduled to occur on November 15, 2016 at 2:00p.m. at The District Office on Reservoir Road

This Summary of Ordinance 2016 – 01 proposes revisions to the District's existing Regulating Ordinance Package establishing rates, rules and regulations for water service as follows:

1. Adds to the Ordinance at Article 1 Definitions new or revised definitions for the terms "Business", "Connection Fee", "Customer", "Owner", "Permit", "Person", "Premises", "Regular Water Service", "Service Lateral", "Subdivider," and "Water System Subdivision".

2. Revises Section 2.9 –Penalty for Violation of Ordinance to provide that any violation of the Ordinance shall be a misdemeanor punishable by imprisonment in the County Jail for a period not to exceed six months, or by fine, not exceeding \$1000, or by both, and that every day a violation continues shall constitute a separate offense. This Section also provides that the District may discontinue water service to the premises if a Customer fails to comply with any provision of this Ordinance.,

3. Adds Section 3.1 – Notices to Customers which provides that all notices to customers will normally be given in writing either personally delivered or mailed to the Customer's last known address. Where conditions warrant, or in emergencies, the District may resort to notification by telephone or messenger.

4. Adds Section 5.2 – Water Used Without Application Being Made which provides that any person desiring to use water furnished by the District’s water system must file an Application with the District as a condition of receiving water service. If a person is determined to be using water from the District’s water system without having filed an application, water service to that premises will be disconnected and monetary penalties imposed.

5. Adds Section 5.6 – Supplies to Separate Structures which provides that each building, dwelling unit, or premises receiving water shall require a separate application for water service and a separate service connection including a separate meter, and prohibits users of water supplied by the District from supplying water to any adjacent parcels through that user’s service connection. This section also makes it unlawful for an owner or user to use or maintain an existing service connection to the District’s water distribution system for the purpose of providing an indirect connection to provide water to additional parcels through existing service connections for which no separate application has been made. This section also provides that any indirect connections in existence at the date of the adoption of this provision shall be abandoned by the customer upon order from the District

6. Adds Section 5.7 – Changes in Customer’s Equipment, Operations or Water Demand. This section provides that customers making any material changes in the size, character or extent of their service connection, or in the operations upon the property using the District’s water service, or whose changes in operations result in an increase in the use of water, to notify the District and file a new application for water service with the District. If the District determines that a larger water service is required, the owner will be required to install such larger service and pay additional service charges, meter installation charges and connection fees.

7. Adds Section 5.8 Unauthorized Service Connections. This Section provides that construction or installation of service connections to the District’s water distribution system without making application therefor and payment of all applicable connection charges is prohibited, constitutes a violation of the ordinance, and will result in discontinuance of water service and criminal penalties pursuant to the Ordinance.

8. Revises Section 8.3 Efficient Water Use and Water Waste. These revisions provide that where water is wastefully or negligently used on a customer’s premises which seriously affect the general water service, the District has the authority to discontinue water service after

giving notice to the customer, as well as the right to levy additional penalties as permitted by this Ordinance.

9. Revises Section 8.6 Damage to Water System Facilities to provide that failure by a customer to promptly reimburse the District for the costs incurred by the District in repairing damages to its water distribution system caused by the acts of the customer or his or her agents may result in discontinuance of water service to the customer.

10. Revises Section 9.4 Change in Location of Meters to provide that customers are prohibited from moving the location of the meter without prior written authorization from the District, and failure to comply with this requirement will result in discontinuance of service.

11. Adds Sections 10.11 Enforcement of Payment to provide for alternative remedies upon failure of customers to pay water service charges prior to delinquency. This section specifies alternative remedies including the following: (1) a basic penalty of 10% of the delinquent amount for the first month after delinquency and an additional penalty of 2% of the delinquent amount plus the 10% basic penalty for each additional month until paid; and (2) discontinuance of service for delinquent bills; and (3) recordation of liens against property of the Owner in the amount of delinquent charges plus penalties; and (4) collection of delinquent charges on the property tax roll; and (5) collection of delinquent charges through legal action with attorney's fees of the District paid by the Owner.

12. Revises Section 11.1 Discontinuance for Nonpayment by providing for five days written notice of discontinuance of service to the customer; and by providing for discontinuance of service at all locations for customers with delinquent bills from previous or additional locations of service.

13. Revises Section 11.5 Fraud and Abuse to provide for service discontinuation, removal of unapproved connections and facilities, and imposition of penalties to protect the District against fraud or abuse. Fraud or abuse is defined as the following: (1) unauthorized diversion of water; (2) connection or reconnection to the District's distribution system without consent of the District; (3) tampering with meters or other water flow measurement devices; (4) receiving the benefit of water from the District with knowledge that the receipt of such water is unauthorized by the District; (5) tampering with District property to provide water service; (6) providing water through a service connection to another parcel that does not have its own service connection or for which an application has not been filed. The revisions also provide for penalties

for fraud or abuse including the following: (1) service charges in the amount of the damage to District property, plus the cost to remove and reinstall district facilities, plus the cost of the loss of water, plus a penalty of \$300 per infraction per day; (2) District legal action pursuant to Civil Code section 1882.1 for damages in the amount of three times the actual damages suffered by the District plus attorney's fees for each violation.

14. Revises Section 11.7 Noncompliance with Regulations to provide for reasonable notice to Owners and Customers of District intention to discontinue water service for noncompliance with District ordinances or regulations with a reasonable opportunity to comply before discontinuance occurs, except in those instances in which noncompliance violates state law or causes conditions detrimental to public health, safety and welfare.

15. Adds Section 11.8 Use of Water Without Application which provides that service may be discontinued in all cases in which a person is determined by District to have used water from the District's water system without having made Application therefor, without having a separate service connection installed by the District, or without having paid all applicable connection charges, service charges and meter installation charges.

A printed copy of the proposed Ordinance is available for inspection by any person during regular office hours in the administrative offices of the District at 320 Reservoir Road Hayfork, CA 96041. A copy of the Ordinance and this Summary is also posted at the District Office and on the District's website. This Summary has also been published pursuant to the requirements of California Government Code Sections 25120 through 25132.