

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE PROVISIONS.

9-01. VIOLATION UNLAWFUL. Following the effective date of this Ordinance, it shall be unlawful for any person to connect, to construct, install or provide, maintain, use or alter any other means of water supply to any building in said District, except by connection to a public utility in the manner as provided in this Ordinance, or by installation, provisional usage or maintenance of approved private production and distribution facilities in accordance with the provisions of this Ordinance.

9-02. CONTENT OF NOTICE OF INTENT TO DISCONNECT. A Notice of Intent to Disconnect, based on non-payment or other violations of this Ordinance, shall contain the following:

- (a) The name and address of the user;
- (b) The amount of the delinquency or the nature of the violation;
- (c) The date by which payment or arrangements for payment are required in order to avoid termination or the procedures necessary to come into compliance with the provisions of the Ordinance;
- (d) A statement that, if the user chooses to question the delinquent bill or the nature of the alleged violation, he or she may request a hearing before the Board if the issue cannot be resolved at the staff level;
- (e) If the issue is delinquency, the user shall be notified that if he or she can provide a certification of a licensed physician and surgeon that a disconnection of service would present a life-threatening circumstance to the user or other person residing within the premises and the user is financially unable to pay for services within the normal payment period, the delinquent portion of the bill may be amortized over a reasonable period, on application to the Board of Directors;
- (f) If the issue is delinquency, the Notice of Intent to Disconnect shall also state that the Board is willing to consider requests for amortizing a delinquency over some reasonable period in cases of extreme hardship other than those which might be life-threatening. Anyone seeking to question a bill or requesting an opportunity to amortize it, may serve written notice on the District requesting an appearance before the Board of Directors at the next regularly scheduled monthly meeting, the date of which shall be set forth in the Notice of Intent to Disconnect;

- (g) The Notice of Intent to Disconnect shall provide that the request for a hearing before the Board of Directors must be actually delivered, in writing, to the District office staff, not later than the date of intended disconnection specified in the Notice of Intent to Disconnect and that if such a request is presented, no disconnection shall take place until five (5) days after the next regularly scheduled meeting of the Board of Directors of the District;
- (h) The Notice of Intent to Disconnect shall contain the procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable;
- (i) The Notice of Intent to Disconnect shall contain the telephone number of the District and the name of the District official, or designated representative authorized to provide additional information concerning the delinquency or violation;
- (j) If the issue is delinquency and in the event that the Notice of Intent to Disconnect is served on an actual user who is not the customer of record, said Notice shall inform the actual user that they have the right to become a customer of the District without being required to pay the amount due on the delinquent bill. The Notice shall further state that the District is not required to make such service available unless the actual user agrees to the terms and conditions of this Ordinance. Upon delivery of notification of intent to vacate by the actual user, the property owner shall once again become the customer of record; and
- (k) The Notice of Intent to Disconnect shall advise the user that after disconnection, there will be a charge, as established from time-to-time by resolution of the Board of Directors, to reconnect the water service. A charge shall be established for both normal office hours and at times of the day other than normal office hours, if so allowed by the Board of Directors. The Notice shall contain a warning that tampering to effect unauthorized reconnection to the water system is a criminal offense and if any damage is done to District facilities, the user will be required to pay for any such damages, as well as being exposed to possible criminal liability. The user shall be advised that if their service lateral is not equipped with a lockable valve in order to effect the disconnection of service, one will be installed at their expense which must be paid in addition to the reconnection fee before service is resumed. The minimum charge for this installation shall be established from time-to-time by resolution of the Board of Directors.

9-03. DISCONNECTION PROCEDURE. If the customer of record fails to pay the delinquent account balance, or to otherwise come into compliance with the terms and conditions of this Ordinance by the date specified in the Notice of Intent to Disconnect, or fails to file a written request for a hearing before the Board prior to said date, service may thereafter be disconnected on 48-hour personal or telephone notification to an adult residing at the service location. If, after a good faith effort, contact with a responsible adult cannot be achieved within 48 hours of the intended disconnection, a Disconnect Notice containing the information stamped in red ink with additional wording indicating service will be discontinued 48 hours after the serving or posting of the Disconnect Notice, shall be posted in a prominent place upon the location where the service is to be disconnected. Such Disconnect Notice shall be posted for not less than 48 hours prior to the actual severance of service.

9-04. SERVICE REESTABLISHMENT FEE. There shall be charge(s), as established from time-to-time by resolution of the Board of Directors, to reestablish water service to any customer of record after disconnection pursuant to this Ordinance. Said charge(s) shall be in addition to the payment of any then delinquent charges for water service incurred prior to the date of disconnection. In addition to payment of the aforesaid amount(s), customers of record or actual users requesting service reestablishment after a disconnect pursuant to this Ordinance can be required to post a deposit in accordance with such provisions as may be adopted from time-to-time by resolution of the Board of Directors.

9-05. ALTERNATE METHODS OF COLLECTION OF DELINQUENT ACCOUNT BALANCE.

- (a) In addition to, or in the alternative to other methods and at the option of the District, the District may file a civil action for the collection of any amounts due and unpaid. This remedy shall be cumulative and in addition to the means of enforcing payment of the sum required to be paid by this Ordinance;
- (b) As an alternate means of collection of amounts due and unpaid and pursuant to §5473 - 6520.5 of the Health & Safety Code:
 - 1. Once a year the Board of Directors shall cause to be prepared a report of delinquent fees and late charges. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto;
 - 2. The Board shall cause a Notice of Hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing. The Notice of Hearing shall be in accordance with the provisions of §5473 of the Health & Safety Code of California;

3. At the hearing, the Board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed;
 4. The delinquent fee is set forth in the report, as confirmed, shall constitute a special assessment against the respective parcel(s) of land and is a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the County Auditor for the amounts of respective assessments against the respective parcels of land as they appear on the then current assessment roll. The lien created, attaches upon recordation, in the office of the County Recorder of the county in which the property is situated. The assessment may be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of County ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this Section shall not attach to such real property and the delinquent fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection; and
 5. The District may, in its discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessment.
- (c) In addition to, or in the alternative to other methods, the District may seek payment utilizing the provisions of §16472.1 of the California Public Utility Code. Based on the existence of a delinquency, the District, by resolution, shall provide that the delinquent water charges and any applicable interest and penalties thereon shall constitute a lien on the subject real property served, to the extent that the property is owned by the person or entity receiving the service. Such lien shall take effect when a certificate is recorded pursuant to the provisions of §16472.1 of the California Public Utility Code. Said lien shall continue in effect until the amount of the charges, interest and penalties are paid, or the property is sold to satisfy said charges, interest and penalties.