

Magna Water District
Administrative Rules and Regulations

16 June 2016

9.19 UNAUTHORIZED USE OF WATER

9.19.1 If any water customer shall permit any person from other premises or any unauthorized person to use or obtain water from his building, premises, or fixtures, whether inside or outside the building, the supply of water may be terminated, after being notified by the General Manager. A tampering fee as set forth in the Fee Schedule shall be charged to any person tampering with a District meter. In addition, such person shall pay for any and all damage to District property.

9.19.2 In times of drought, shortage, emergencies, or whenever the General Manager determines that it is necessary for the protection of the general health, safety or welfare of the District's residents, the District may implement such conservation measures or water or sewer usage restrictions and limitations as are appropriate for the circumstances. The District shall give such notice of these measures, restrictions, or limitations as is reasonable under the circumstances. Violation of any such measure, restriction, or limitation may result in the imposition of a Tampering Fee or a Serious Rules Violation Fee as set forth in the District's Fee Schedule, and/or the termination of service.

9.19.3 WATER CONSERVATION & RESTRICTIONS.

The District has the following four distinct levels of water conservation requirements, restrictions, and penalties that may be imposed by the District's Board of Trustees, in any order or sequence:

Level 1 Voluntary Water Conservation

Level 2 Mandatory Water Conservation

Level 3 Mandatory Water Restrictions

Level 4 Emergency Water Restrictions

9.19.3.1 Level 1 Voluntary Water Conservation includes the District's three-tiered water rate structure which encourages the conservation of water through pricing. It also includes conservation awareness and education efforts, and all other voluntary efforts by the District and/or the public to conserve and make wise use of this limited resource. Level 1 is always in effect, unless a higher level has been imposed, and there are no notice requirements associated with Level 1. Level 1 encourages voluntary water conservation practices such as: no outdoor watering during the heat of the day; efficient sprinkler systems; use of drought-tolerant plants and grasses; use of low-use water fixtures; and any other means of reducing the use of water.

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- 9.19.3.2 Level 2 Mandatory Water Conservation includes directives imposed by the District's Board of Trustees which limit the manner of use, but not directly the quantity of use, such as limitations as to the time of day and/or the days of the week when outdoor water is permitted. Notice of Level 2 requirements shall be given by mail to the billing addresses or by publishing once a week for two weeks in a newspaper of general circulation locally. The four step enforcement procedure associated with this level is as follows:
- (1) Upon the first violation, the District shall send a Notice of Violation by regular mail to the billing and service addresses for the subject property and shall include a copy of this Section 9.19.3 and any other appropriate conservation information. This step will be used to educate users to assist in the changing of water use habits.
 - (2) Upon the second violation, the District shall hand-deliver a Warning Letter setting forth the specific requirements violated and any measures that must be taken in order to avoid further violations. This warning shall also state that violation fees will be imposed on all subsequent violations in that calendar year.
 - (3) Upon the third violation, the District shall impose a Conservation Violation Fee as set forth in the District's Fee Schedule and notice of the imposition of the violation fee shall be given by regular mail to the billing and service addresses of the subject property.
 - (4) For each subsequent violation, the District shall impose a violation fee that is twice the amount of the Conservation Violation Fee set forth in the District's Fee Schedule. Notice of the imposition of the violation fee shall be given by regular mail to the billing and service addresses of the subject property.
- 9.19.3.3 Level 3 Mandatory Water Restrictions include directives imposed by the District's Board of Trustees which limit the quantity of use of water by the adoption of temporary, emergency increases in the third tier, or the second tier and the third tier, of the District's water rate structure, and/or other restrictions imposed by the Board, such as temporary bans on the installations on new lawns which will require intensive waterings. The amount of the increase shall include a water restriction violation fee and the increased rates shall apply to all water usage in the tier(s) upon which the increased rates are imposed. Notice of Level 3 Restrictions shall be by direct mailing to the billing and service addresses following a duly noticed public hearing as required for a rate increase. The

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Resolution imposing Level 3 restrictions shall state when the increase rates and other Level 3 restrictions expire.

9.19.3.4

Level 4 Emergency Water Restrictions may include restrictions in both the quantity and/or the manner of use of water, such as no outdoor watering, or outdoor watering for a limited time or times each week, or such other restrictions as the Board of Trustees deems is appropriate under the specific conditions and circumstances. The District shall give whatever notice is practical under the circumstances, including announcements through the radio, television, and/or daily print media, followed up by direct mailing to the billing and service addresses and a duly noticed public hearing as soon as possible. Level 4 Restrictions may be for a fixed period of time or until the Board of Trustees revokes them. The three step enforcement procedure at this level is as follows:

- (1) Upon the first violation, the District shall mail a Notice of Violation by regular mail to the billing and service addresses for the subject property and shall hand-deliver a copy thereof to any owner, resident, employee or agent that can be found at the subject property. This warning shall set forth the specific requirements violated and any measures that must be taken in order to avoid further violations. A copy of this Section 9.19.3 and of the Resolution imposing the Level 4 restrictions shall be included with the notice. This warning shall also state that violation fees will be imposed on all subsequent violations in that calendar year and that water service may be suspended upon or after the third violation.
- (2) Upon the second violation, the District shall impose a Conservation Violation Fee as set forth in the District's Fee Schedule and any additional fees set forth in the Resolution imposing the Level 4 restrictions. The District shall also mail a Notice of Serious Violation by regular mail to the billing and service addresses for the subject property and shall hand-deliver a copy thereof to any owner, resident, employee, or agent that can be found at the subject property. This Notice shall set forth the specific requirements violated and any measures that must be taken in order to avoid further violations and/or suspension of service.
- (3) Upon any subsequent violations, the District shall impose the Serious Violation Fee set forth in the District's Fee Schedule and the General Manager shall determine whether and when suspension of service is appropriate under the circumstances. The District shall provide notice by

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mail to the billing and service addresses of each such Serious Violation Fee imposed and/or that water service has been suspended.

- 9.19.3.5 As a general and ongoing conservation requirement, it is the policy of the District that no outdoor watering shall be allowed with water provided by the District between the hours of 10:00 a.m. and 6:00 p.m., except in special, temporary situations where frequent waterings are required, such as with newly planted lawns.
- 9.19.3.6 Violations must be duly verified by a District employee. Each day that a violation continues is considered to be a new violation. The number of violations received is calculated on calendar year basis. Violations at one level are not counted in the violation total of any other level. All violation fees will be assessed on the culinary water bills.
- 9.19.3.7 Where hand-delivery is specified in this Section 9.19.3, if the District's staff is unable to locate the water user during three attempts to do so, the required delivery may be made by regular mail to the billing and service addresses.

9.20 PENALTIES

Failure to make the necessary applications, give notice, make payment on the bills rendered, or abide by all the District's rules and regulations shall subject the person to the applicable fees or penalties set forth in the Fee Schedule.

9.21 SUPERVISOR TO HAVE FREE ACCESS

Free access at all ordinary hours shall be allowed the supervisor or other authorized persons to all places supplied with water from the waterworks system and wastewater system, to examine the apparatus, amount of water used or wastewater discharged, and the manner of its use.

9.22 BILLING

- 9.22.1 All water and/or sewer customers shall be billed monthly. The bill may include a statement for both water and sewer services and when such consolidated statement is furnished, the bill shall show the separate charges due for the respective services furnished; provided however, that all customers shall pay the total sum of the charges continued on said billing.
- 9.22.2 Customers are responsible for water lost through leaks on the customer's side of the meter. Therefore, credits will be issued to customers only for errors in billing.