

**REGULATIONS
OF THE
INVERNESS PUBLIC UTILITY DISTRICT
WATER SYSTEM**

Established July 1983

UPDATED JUNE 7, 2024

**Inverness Public Utility District
50 Inverness Way, Marin County, California
PO Box 469
Inverness, CA 94937
(415) 669-1414**

INTRODUCTION

The Inverness Public Utility District Water System is a publicly owned operating entity of the Inverness Public Utility District, pursuant to the Public Utility District Act, Public Utilities Code of the State of California. The System is administered by the five-member Board of Directors of the Inverness Public Utility District. The Directors are elected at-large to four-year terms of office.

These regulations have been enacted by an ordinance of the Inverness Public Utility District in order to establish the terms and conditions under which the System's facilities will be installed and water will be supplied to users.

Part A of these Regulations sets forth general policies, and establishes the terms, conditions and requirements for obtaining and maintaining water service.

Part B covers provision of service to new customers when, as a condition of service, it is necessary to construct or extend System facilities.

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Regulation 100

BASIC POLICIES

(a) **General**

It shall be the policy of the Inverness Public Utility District and the IPUD Water System to provide service connections to all qualifying and legally-entitled applicants for service within the System's service area, as provided for by and within the provisions of these Regulations, and insofar as the System's capacity and capability to obtain, store, treat and deliver water is adequate without depleting the water supply to the extent that there would be insufficient water for essential human consumption, sanitation, and fire protection.

(b) **Priority**

It shall be the policy of District and System that their primary responsibility shall be to satisfy the normal demands and requirements for water of existing customers.

(c) **Fire Protection and Drought Reserves**

It shall be the policy of District and System that all System operations shall at all times be consistent with maintaining, and shall recognize a requirement to maintain, sufficient water reserves for a reasonable level of general fire protection, and, so far as is feasible, for reasonable protection of the service area from adverse consequences of abnormally dry years or drought. System and District reserve an absolute right to declare and enforce, within legal authority and limitations, any and all such emergency rules, regulations and ordinances as are necessary to comply with the provisions of this paragraph.

(d) **Development of Additional Sources of Supply**

Development of additional and/or new sources of water supply shall be pursued by District and System as and when necessary in order equally to maintain service at existing levels to existing customers, and to provide equivalent service to qualifying applicants for new and/or larger service connections, provided that development of new sources of supply is environmentally reasonable and is financially and technically feasible and practical.

(e) **Ecological and Environmental Considerations**

It shall be the policy of District and System that all District and System operations, actions and policies shall be consistent with maximum possible maintenance of the environmental and ecological balance and the quality of life, in and for the community at large and in general, both within and without the territorial jurisdiction and boundaries of the District and within and without the service area of the System.

(f) **Applicability**

In the event any provision of any other of these Regulations of the Inverness Public Utility District Water system is, or is construed to be, in any instance, in conflict with the any provisions of this Regulation, the provision or provisions of this Regulation shall override and take precedence.

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Regulation 100: Adopted, July 20, 1983

Regulation 101

NEW SERVICE CONNECTION

(a) **Application for New Service Connection**

An application for a new service connection shall include the name and mailing address of the applicant or applicants, the street address of the proposed service location, the Assessor's Parcel Number(s) of the proposed service location (together with the name(s) and mailing address of the property owner if different from the applicant), and the type, size, and use of the service desired. The System may require such additional information as may be necessary or convenient to process the application and provide the service connection. The System may require that application be made on the System's form.

(b) **Type and Size of Service Connection**

Final determination of the type and size of the service connection shall be made by the System, notwithstanding the type and size requested in the application. The System may reject any application that does not provide sufficient information for the System to determine the appropriate type and size of service connection. Willful misrepresentation by the applicant of the type and size of the service connection required shall constitute grounds for revocation of the application and forfeiture by the applicant of one-third (1/3) of the New Service Connection Fee.

(c) **Application by Other than Property Owner**

An application for a new service connection from any party other than the property owner(s) shall be accompanied by a written, notarized agreement signed by the property owner(s) consenting to the service installation and accepting responsibility and liability for any new service installation provided pursuant to said application.

(d) **Location of Service Connection**

The applicant may specify the location at the property to be served where the service connection (meter) is desired, but actual location shall be determined by the System, except that the System may not require a location other than the applicant's desired location without reasonable cause and without so notifying the applicant.

(e) **Acceptance of Application**

An application for a new service connection conforming in all respects to the provisions of paragraphs (a) through (c) inclusive of this Regulation shall be accepted by the System, and the date of acceptance shall be the date of receipt by the System of the so conforming application. Acceptance of an application for a new service connection shall not represent a commitment or agreement by the System to provide a connection or service. Said commitment shall be made only at such time as final approval of the application for the new service connection is made by the System, which approval shall be contingent on the System's determination that all conditions precedent to service, as enumerated in paragraph (f) of this Regulation, have been satisfied.

(f) **Conditions Precedent to Service**

Final approval of an application for a new service connection and provision of service pursuant to such an application shall be subject to each and all of the following conditions:

- (1) Availability to the System of sufficient water to provide the reasonably estimated demand of the new service.
- (2) Adequate System plant capacity to safely and reliably produce, deliver, and provide water to the new service.
- (3) Existence of a main of adequate capacity and pressure abutting the property to be served.

- (4) In the event of absence of or inadequacy of any of the facilities referred to in subparagraphs (2) and (3) of this paragraph, the System may require construction by the applicant of such facilities under the provisions of Part B of these Regulations, including, if required, execution by the applicant of an extension agreement as provided for in Part B of these Regulations.
- (5) Receipt from the applicant of the appropriate New Service Connection Fee, as provided for in paragraph (r) of this Regulation, except that there shall be no New Service Connection Fee required for connection of a publicly-owned fire hydrant, for a connection of District-owned property, or for a connection intended to service a District-owned facility.
- (6) Posting by the applicant of a reasonable deposit, as determined by the System, to cover all actual labor and materials costs of installation of the new service connection, plus the current overhead factor for both labor and materials.
- (7) Compliance with the provisions of Regulation 112 if the service connection for which application is being made is designated by the System as a Low-Pressure Service.
- (8) Compliance with the provisions of Regulation 113 if the service connection for which application is being made is designated by the System as a High-Pressure Service.
- (9) Compliance with the provision of paragraph (b) of Regulations 114 if the property to be served by the connection has been designated by the System of inclusion in a Limited Area Improvement.
- (10) Compliance by the applicant and/or property owner, as applicable, with any and all other requirements provided for in these Regulations and applicable to the service, property, or location for which the application is being made.

(g) Transferability or Assignment of Application

No application for a new service connection shall be transferable or assignable to any other party or parties by the original applicant or applicants between the time of acceptance by the System of the application and the time of actual or constructive installation of the service connection. Withdrawal from the application of the original applicant or applicants shall render the application null and void. In the event an application is rendered null and void under the foregoing provisions of this paragraph, the System shall retain ten percent (10%) of the applicable New Service Connection Fee as an application processing charge, and shall retain that portion of either or both of the applicant's New Service Connection Fee or deposit for installation costs as shall be necessary to cover the labor and materials costs, plus the current overhead factor for labor and materials, of any installation work already performed by the System, plus whatever costs, including the current overhead factor for labor and materials, that may be incurred to dismantle any installation already performed.

(h) Actual and Constructive Installation of Service Connection

A new service connection shall be considered installed at such time that regular service to the property is available through a physically installed meter and/or other appropriate appurtenant connection facilities. In the event the System is ready and able to install a meter and/or other appropriate appurtenant connection facilities but agrees to a request from the applicant not to make actual physical installation and connection, the new service shall be considered to be constructively installed. For all intents and purposes of these Regulations, a constructively installed service connection shall be considered and treated as an actually installed service connection.

(i) Acceptance of Customer of Record

The owner of the property served by the new service connection shall become the customer of record for the service account at such time as the service connection is actually or constructively installed, and shall within thirty (30) days of actual or constructive installation of the service connection complete, execute, and file with the District an "Application for Service and Service Agreement," as provided for in these Regulations.

(j) **Expiration of Application**

An application for a new service connection shall become null and void one hundred and eighty-one (181) days after acceptance of the application by the System in the event actual or constructive installation of the service connection has not occurred because of the applicant's failure to comply with or satisfy any requirement set forth in these Regulations. However, if the applicant applies in writing for an extension before the application expires, the General Manager may grant a one-time extension of one hundred and eighty (180) days, and may not unreasonably deny such request for extension. Once an application has become null and void under the provisions of this paragraph, the applicant shall have an unlimited right to file a new application. In the event an application expires under the provisions of this paragraph, the System shall retain ten percent (10%) of the applicant's New Service Connection Fee as an application processing charge, and shall retain that portion of either or both of the applicant's New Service Connection Fee or deposit for installation costs as shall be necessary to cover the labor and material costs, plus the current overhead factor for labor and materials, of any installation work already performed by the System, plus whatever costs, including the current overhead factor for labor and materials, that may be incurred to dismantle any installation already performed.

(k) **Order of Processing**

Applications for new service connections shall be processed by the System in the order of acceptance by the System, as provided for in paragraph (3) of this Regulation. The General Manager shall notify each applicant of the date of acceptance of the application and shall record the date of acceptance in the District's files.

(l) **New Service Connection on Undeveloped Property**

If a new service connection is installed on undeveloped property, the System reserves the unconditional right at such time that the property is developed to require installation of a larger meter or other service connection facilities if such development in the System's judgment requires such larger meter and/or other connection facilities. Such reinstatement costs, including the current overhead factor for labor and materials, are to be borne exclusively by the property owner. The provisions of paragraph (3) of Regulation 102 shall apply to the enlargement of a service connection.

(m) **Nontransferability of Service Connection**

A service connection shall be provided only for the property described by the Assessor's Parcel Number(s) specified in the application for the new service connection, and shall run with said property in perpetuity or until retired by disconnection and removal from the System, and shall at no time under any circumstances be transferred to, assigned to, or reinstalled at any property other than the property described by the Assessor's Parcel Number(s) in the original application for new service connection.

(n) **Implied Lien**

Installation and/or existence of a service connection on a property constitutes an implied lien against and running with title to said property in perpetuity or until said service connection is retired by disconnection and removal from the System, and said lien shall covenant and obligate any and all owners currently and subsequently of said property for all duties and responsibilities towards and for said service connection as provided for in the Regulations of the IPUD Water System, its assigns and successors, excepting that an owner of such property may at any time demand and require of the System retirement of the service connection by disconnection and removal from the System.

(o) **Conditions for Retention of Service Connection**

Once a service connection has been installed, service will be provided, maintained, and continued by the System subject to the following conditions:

- (1) Property owner complies with all applicable provisions of these Regulations.

- (2) All rates and charges properly billed by the System are paid within the time established in these Regulations for each particular rate or charge.
- (3) The property owner is at all times the customer of record for the service connection, and has provided the System with such current information as the System requires in order to maintain customer records.
- (4) All plumbing, piping, fixtures, equipment, installations, and appurtenant devices connected directly or indirectly to the service connection or receiving water provided through the service connection are maintained in proper working order and are in all respects in compliance with all applicable plumbing and/or building codes, regulations, standards, and ordinances.

(p) Failure to Comply with Conditions for Retention of Service Connection

At any time a service is not in compliance with any of the Conditions for Retention of Service Connection as provided for in paragraph (o) of this Regulation, the System reserves an unconditional right to suspend or disconnect the service or to declare the service in default. At any time there is a change in the service connection as provided for in Regulation 102, or there is a change in the customer for the service account, or there is over a 120-day period an increase of one hundred percent (100%) or more in the customer's use of and/or demand for water as compared to any 120-day period during the immediately preceding twelve (12) months, or there is a breakage or failure of any plumbing device at the served premises leading to unintentional loss of water, or there is an emergency condition at the served premises rendering the premises no longer fully habitable or usable, the System may conduct and/or require an inspection of the property and premises served by the service connection to verify compliance with subparagraphs (1) and/or (4) of paragraph (o) of this Regulation, and if such inspection determines that the service is not in compliance with said subparagraph (1) and/or (4) of paragraph (o) of this Regulation, the System may require that the service be brought into said compliance as a condition of continued retention of the service connection.

(q) Water Shortage Emergency

No provision of this or any other of these Regulations shall take precedence over any conflicting provision or provisions of an ordinance duly enacted by the Board of Directors of the Inverness Public Utility District pursuant to a Declaration of a Water Shortage Emergency. Any such ordinance may modify, amplify, extend, alter, suspend, replace, or otherwise change any provision or intent of these Regulations, and the provisions of such ordinance shall take precedence over these Regulations during the period of the legally declared Water Shortage Emergency.

(r) New Service Connection Fee

The amount of the New Service Connection Fee provided for in subparagraph (5) of paragraph (f) of this Regulation shall be determined as set forth hereinbelow:

- (1) It is the intent of the Board of Directors to provide a rational means of setting the New Service Connection Fee such that the Fee applicable to each new service connection constitutes a capital contribution by the new customer for the purpose of financing initial capital investment attributable to the new service. For this purpose, it is the intent of the Board of Directors that the Fee be set so that it proportionately recovers the costs incurred in providing the facilities required to provide the water service connection.
- (2) The amount of the New Service Connection Fee shall be established annually to be in effect from January 1 through December 31. The date of acceptance of an application for a new service connection, as provided for in paragraph (e) of this Regulation, shall be used to determine the New Service Connection Fee that applies to the new service connection.
- (3) The amount of the New Service Connection Fee to be in effect in a year shall be determined no later than November 30 of the preceding year, and shall be recorded in the District's files by the General Manager, together with the calculations used to make said determination. Said file shall be available to the public for inspection.

- (4) The New Service Connection Fee shall be set at the amount determined by the following formula, rounded up to the next even One Hundred Dollars (\$100.00):

$$f = y / z$$

where,

- f: New Service Connection Fee (before rounding up).
 - y: Total value of the Water System's depreciable assets before deduction for accumulated depreciation and excluding non-depreciable assets (land, construction in progress) as of June 30 of the year preceding the year during which the New Service Connection Fee will be in effect, as reported in the General Purpose Financial Statements of the District prepared by the District's independent auditors.
 - z: Total number of customer connections (active, inactive, and suspended) of the Water System, excluding connections owned by the District itself or by any District-owned entity, and excluding customer accounts for publicly owned fire hydrants, on June 30 of the year preceding the year during which the New Service Connection Fee will be in effect.
- (5) Example:
- y: \$4,939,288 in depreciable assets (as of June 30, 2022).
 - z: 518 customers (as of June 30, 2022).
 - f: $4,939,288 / 518 = \$9,535.31 - \$9,600.00$ (rounded up).
- (6) On the date this paragraph becomes effective, the General Manager shall calculate the amount of the New Service Connection Fee for that calendar year on the basis of the provisions of this paragraph, and the result of said calculation shall become the amount of the New Service Connection Fee for the remainder of the calendar year, effective as of the date this paragraph becomes effective.

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*Regulation 101: Adopted, July 20, 1983
Revised in its entirety and readopted, March 15, 1993, Ordinance 32-93
Sections (f)(6), (g), (j), and (l) amended by Ordinance 80-2010, July 28, 2010
Subparagraphs (4) and (5) of paragraph (r) amended by Ordinance 109-2023, May 24, 2023, for
purposes of improved clarity (no substantive changes)*

Regulation 102

CHANGE OF SERVICE CONNECTION

(a) **Replacement of Meter or Other Service Equipment**

The System may at any time replace its equipment or facilities, including meters, for equipment or facilities of equal or better quality, standard, grade, rating or performance, when such replacement is in the interests of system maintenance, performance, operation, efficiency or improvement. When feasible, any such replacement shall be preceded by reasonable notice to affected customers and property owners.

(b) **System-Initiated Relocation of Service Connection**

The System may at any time and upon providing reasonable notice to the property owner relocate a service connection or appurtenant System facilities. Except in the case where relocation is occasioned solely for the convenience of and at the request of the property owner, whether by explicit request or necessitated by the property owner's circumstances, the entire cost of relocation shall be borne by the System.

(c) **Owner-Initiated Relocation of Service Connection**

Relocation of a service connection may be requested by the property owner only. Any such request shall be honored by the System, provided that the relocation is acceptable to the System (whose acceptance may not be withheld without good cause); that System personnel, facilities, and equipment are available to effect the relocation; and that the property owner executes an agreement with the System for the work and posts in advance a deposit equal to the System's reasonably estimated labor and materials costs for the relocation work, plus the current overhead factor on both labor and materials. Any difference between the actual final costs and the amount of the posted deposit shall be charged to or refunded to the property owner. Any such amount charged to the property owner shall be due and payable to the System within thirty (30) days of the System's statement date.

(d) **Enlargement of Service Connection**

An enlargement of a service connection shall be handled in the same manner as owner-initiated relocation of service connection in paragraph (c) of this Regulation. As a condition of enlargement, the System may, at property owner's expense, conduct an inspection of all pipes and fixtures served by the service, and shall withhold approval of the enlargement if, in the System's judgment, any of said pipes or fixtures may be incapable of supporting the increased pressures and/or flows resulting from enlargement. Notwithstanding the inspection conducted pursuant to this paragraph, the System shall bear no responsibility for or liability resulting from any damages resulting directly or indirectly from any enlargement of a service connection. The System may at any time require enlargement of a service connection when in the System's judgment the customer's use of and/or demand for water exceeds the reasonable capacity and safe operation of the customer's service connection or meter. Customer's enlargement in an activity so requiring enlargement shall, prima facie, constitute an owner-initiated request for enlargement of the service connection, notwithstanding the absence of a documentary application from the customer. In the event the property owner refuses to pay for an enlargement required by the System, the System may declare the service in Default.

(e) **Reduction in Size of Service Connection and Meter**

A reduction in size of a service connection shall be handled in the same manner as owner-initiated relocation of service connection in paragraph (c) of this Regulation. However, the System shall be under no obligation to replace any service connection or meter with a connection or meter of smaller size. Upon application by a property owner for reduction, the System may, strictly at its option, so replace or authorize replacement of the meter and connection, provided such replacement in no way adversely affects System facilities or System integrity, and provided that the full labor and materials costs to the System of replacement, plus the current overhead factor on both labor and materials, are paid by the property owner. The System shall not be responsible in any way for any degradation in service resulting directly or indirectly from a reduction in size of a service connection or meter.

(f) **Performance of Work**

Any physical change in a service connection or any work affecting a service connection must be performed either by System personnel or under the supervision of and subject to inspection by and approval of the System. Any such change not performed by System personnel shall conform in all respects with all applicable Standard Drawings adopted by and for the System

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*Regulation 102: Adopted, July 20, 1983
Revised in its entirety and readopted, March 15, 1993, Ordinance 32-93
Amended by Ordinance 80-2010, July 28, 2010*

Regulation 103

MULTIPLE SERVICE CONNECTION

In no case shall a customer meter or comparable customer service connection provide water, directly or indirectly, to more than one assessor's parcel, unless the multiple assessor's parcels:

- (a) are contiguous,
- (b) are in common ownership, and
- (c) constitute a single building site.

In the event of subdivision of a single parcel, or in the event of subdivision or separation of multiple parcels satisfying conditions (a), (b), and (c) above, new service connections shall be required in order to provide water service to each resulting new parcel, or to each resulting new set of parcels satisfying conditions (a), (b), and (c) above, and all existing piping and plumbing interconnecting such parcels or sets of parcels shall be physically separated by removal and/or capping, as appropriate to the District's satisfaction.

At the time this Regulation is adopted, any instance of multiple parcels being served by a single meter and satisfying conditions (a) and (b) above but not satisfying condition (c) above shall be exempted from the requirement to install new service connection(s), but such exemption shall terminate at such time that condition (a) or (b) ceases to be satisfied.

For purposes of this Regulation, multiple parcels in common ownership that are separated by a dedicated roadway, whether developed or not, shall not be considered to be contiguous.

*Regulation 103: Adopted (as "Multiple Services"), July 20, 1983 (Ord. 83-2)
Amended in its entirety, May 21, 1986 (Ord. 5-86)
Deleted in its entirety, March 16, 1987 (Ord. 8-87)
Added (as "Multiple Service Connection"), Ord. 23-89 (Nov. 20, 1989)*

Regulation 104

TEMPORARY SERVICE

(a) **Definition**

A “Temporary Service” shall mean provision by the System of a connection or facility for drawing or use of water during a limited period of time, and for which installation of a permanent connection is not required.

(b) **Use**

Temporary Service is most often installed to provide water to a temporary construction site or under emergency conditions. In general, a Temporary Service shall be provided by means of a metered connection to an existing fire hydrant or other type of existing service outlet.

(c) **Application**

Application for a Temporary Service shall be made on the application and agreement form provided by the District. The Applicant for a Temporary Service shall describe (and may be required to document) the intended use of the water, shall provide an estimate of the length of time the Temporary Service will be needed, and shall provide an estimate of the amount of water expected to be drawn through the temporary connection.

(d) **Security Deposit**

As a condition of receiving Temporary Service, the applicant shall post the Temporary Service Security Deposit provided for in the System’s current Schedule of Rates and Charges.

The Temporary Service Security Deposit may be applied to any rates and charges that remain unpaid after forty-two (42) days from the statement date of any such rates and charges. If any portion of a Temporary Service Security Deposit is so applied to unpaid rates and charges, the System may at its discretion either disconnect the Temporary Service or require as a condition of continued use of the Temporary Service that the customer restore the Temporary Service Security Deposit to its original balance. Upon permanent disconnection of a Temporary Service, any remaining balance of the Temporary Service Security Deposit shall be refunded after deduction of all outstanding closing statement rates and charges, and deduction of the costs to the System of any loss of or damage (beyond normal wear and tear) to System facilities installed or utilized for or in support of the Temporary Service.

The provisions of this paragraph may be waived in whole or in part in the case of a Temporary Service installed to relieve an emergency situation.

(e) **Installation Charge**

As a condition of receiving a Temporary Service, the Applicant shall pay the Temporary Service Installation Charge provided for under the System’s current Schedule of Rates and Charges. This Charge is nonrefundable and includes the charge for disconnecting the Temporary Service.

The provisions of this paragraph may be waived or modified in the case of a Temporary Service installed to relieve an emergency situation.

(f) **Monthly Service Charge and Quantity Charge**

A Temporary Service shall be assessed the Monthly Service Charge provided for in the System’s current Schedule of Rates and Charges. The Monthly Service Charge shall be prorated on a per day basis for fractions of a month the Temporary Service is available for use by the Applicant for the Temporary Service.

The amount of water provided through a metered Temporary Service shall be determined by readings taken on a regular basis by System personnel from the installed meter. The charge for the water used during each

billing cycle shall be determined by multiplying the metered usage in units of 100 cubic feet by the Quantity Charge provided for in the System's current Schedule of Rates and Charges.

The Monthly Service Charge and the Quantity Charge shall be billed to the applicant for the temporary service at a frequency of no less than bimonthly.

The provisions of this paragraph may be waived or modified in the case of a Temporary Service installed to relieve an emergency situation.

(g) **Unmetered Temporary Service**

The System may at its discretion provide Temporary Service without installing a meter or detector, and in such case shall establish an appropriate flat-rate monthly charge for the Temporary Service, and may adjust such flat-rate monthly charge at any time by providing the customer with thirty (30) days advance notice. An unmetered Temporary Service may be converted to a metered Temporary Service at any time and solely at the System's discretion, with all such direct costs of conversion, including the current overhead factor for labor and materials, to be paid by the customer.

(h) **Extension of a Temporary Service**

Use of a Temporary Service may be extended beyond the estimated disconnection date if in the System's judgment a legitimate need for the Temporary Service still exists, the Temporary Service is not being used in lieu of a permanent service connection, and the System's water supply is adequate to continue providing the Temporary Service.

(i) **Priority for Water**

The System may at its sole discretion deny water to or permanently disconnect a Temporary Service at any time that continued service to the Temporary Service would reduce or threaten to reduce the System's overall water supply or capacity to deliver water to its permanent customers to the point where it would not be able to meet the normal demands of the permanent customers. The System shall at no time be under any obligation to satisfy any demand whatsoever, whether normal or extraordinary, of a Temporary Service customer.

(j) **Emergency Use and System Use of Water from a Hydrant**

Nothing in this Regulation shall preclude or limit the Water System's use of water from a fire hydrant for emergency purposes or for the Water System's own use by any means deemed appropriate by the System.

(k) **Convenient Use of Water from a Hydrant**

The Water System may at its sole discretion provide water to a customer from a hydrant under circumstances that do not constitute an emergency when doing so is for the convenience of the Water System or the convenience of the customer.

1. System's convenience: Water provided to a customer from a hydrant for the convenience of the Water System shall be billed to the customer at the commodity rates in effect for the customer's normal service categorization and rate code.
2. Customer's convenience: Water provided to a customer from a hydrant solely for the convenience of the customer shall be metered. All water that is drawn by the customer through such a hydrant meter shall be billed to the customer at the highest commodity rate in effect for the customer's normal service categorization and rate code. Notwithstanding this subparagraph, the Water System is under no obligation to provide water service to any customer solely for the convenience of the customer, and doing so shall be reserved for unusual circumstances, typically for a temporary period, and with the express consent and approval of the Water System's Superintendent, who may impose reasonable limitations on the quantity, duration, and use of water so provided.

*Regulation 104: Adopted, July 20, 1983 (Ord. 83-2)
Paragraph "f", line 1, amended, Nov. 20, 1989 (Ord. 23-89)
Amended by Ordinance 80-2010, July 28, 2010
Revised in its entirety by Ordinance 94-2020, May 27, 2020*

Regulation 105

PRIVATELY-OWNED FIRE PROTECTION SERVICES

(a) **Policy**

In the interests of the general welfare and safety of the community, it shall be the policy of District and System to encourage and facilitate installation and maintenance of privately-owned services intended solely for fire protection.

(b) **Permit**

Fire protection services may be installed only upon application from the property owner and only with the consent of the Inverness Public Utility District under such rules, regulations and conditions as are specified individually and generally by the District and the District's Fire Chief. No privately-owned fire protection service may be installed which would wholly or substantially duplicate an existing publicly-owned fire protection service, or which would not contribute to an increased level of fire protection in the area served, or which in the System's judgment could not be adequately maintained or safeguarded from unauthorized use of an unintended use.

(c) **Installation**

Installation of a privately-owned fire protection service shall be wholly at the expense of and provided by the property owner, except that the System may, at its option, contract with the applicant to provide equipment, labor and services at the System's cost plus the current overhead factor for labor and materials. Any installation provided by and approval by the System, and must conform in all respects with all applicable Standard Drawings adopted by and for the System. Any detector and/or meter shall be provided by the property owner, shall be to System's specifications, and shall be assigned by the property owner to the System, but shall upon disconnection of the fire protection system revert to the property owner. All equipment installed as part of or in support of a privately-owned fire protection system must be approved by the System and the District's Fire Chief, and in terms of specification, installation and operation must conform to the applicable Standard Drawings adopted for and by the System. An agreement must be reached between the System and the property owner as to whether or not the privately-owned fire protection system will be equipped with a meter and/or a detector assembly.

(d) **Detector- and/or Meter-Equipped Fire Protection Systems**

A privately-owned fire protection system equipped with a detector and/or a meter may be used, at the System's sole discretion, to provide water for purposes other than emergency fire protection as specified by the System. Fixed Charges and Quantity Rates for such a privately-owned fire protection system shall be in accordance with the System's current Schedule of Rates and Charges.

(e) **Privately-Owned Fire Protection Systems Without a Meter or Detector**

Privately-owned fire protection systems not equipped with a meter or a detector may be used for emergency fire protection purposes only, or as required, specified and restricted by the System, including use by the System for System and service maintenance and testing purposes. Such systems may be equipped by the System with a seal such that any drawing of water from the service will cause the seal on any such service to be inspected. At any time it is determined that the seal has been broken or that water has been drawn through the service for a purpose not herein authorized, the owner shall, in the absence of mitigating circumstances, be assessed the rates and charges provided for in the System's current Schedule of Rates and Charges. Such a system shall be regularly assessed the applicable rates and charges provided for in the System's current Schedule of Rates and Charges.

(f) **Termination and Disconnecting**

The System may order termination and disconnection of any privately-owned fire protection system at any time, with or without cause or statement of reason, at its sole discretion. The costs of disconnection shall be borne by the property owner.

(g) **Existing Privately-Owned Fire Protection Systems**

The provisions of this Regulation shall apply in their entirety to any privately-owned fire protection system in existence at the time of adoption of this Regulation.

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*Regulation 105: Adopted, July 20, 1983 (Ord. 83-2)
Paragraph "d", line 3, amended, Nov. 20, 1989 (Ord. 23-89)
Amended by Ordinance 80-2010, July 28, 2010*

Regulation 106

TITLE TO AND USE OF WATER

(a) **Title**

Title to, together with unconditional responsibility for, water furnished by the System, including risk of loss thereof, shall pass from the System to the customer at the outlet of the System's meter or other connection facilities. The customer shall be solely and unconditionally responsible therefrom for the carriage, handling, storage, use and disposal of all furnished water.

(b) **Location of Use of Water**

No water furnished through a service connection by the System may be used on any premises or at any location other than that served by the service as specified in the application for service, without written and specific approval and authorization from the System.

(c) **Resale of Water**

No water furnished by or received from the System shall in any way be resold or reconveyed without written and specific approval and authorization from the System.

(d) **Change in Use**

No substantial change in the nature or quantity of water usage through an existing connection shall be made except by permission of the System, which may, where appropriate, require as a condition of granting permission for such change the filing of an application for a new service connection or the filing of an application for enlargement of the service connection metered and/or other connection facilities. A "substantial change in the nature or quantity of water usage" shall include, but not be limited to, change from single-unit service to multiple-user service, or change from residential use to commercial, industrial or agricultural use, or change in commercial, industrial or agricultural operations of the customer resulting in substantial increase in water usage and demand by the customer.

Regulation 106: Adopted, July 20, 1983 (Ord. 83-2)

Regulation 107

INTERFERENCE WITH SERVICE AND SYSTEM FACILITIES

(a) **Unlawful Acts**

The System shall at its sole discretion prosecute violation of applicable statutes of the Penal Code of the State of California which make it a misdemeanor to tamper with, bypass, or otherwise impair, damage or interfere with the operation of any System water meter, or take water without authorization or without intent to make payment therefor, or to damage, obstruct or interfere with any System facilities, equipment or installations.

(b) **Drawing Water from Fire Hydrants**

No person not duly authorized by the System shall interfere with, open or draw water from or through any fire hydrant connected to the System's distribution system.

(c) **Protection of System Facilities**

Any person who applies for service and/or executes a service agreement with the System covenants and agrees that, in addition to any right or remedy available to the System and the Inverness Public Utility District by law, he or she will pay to the System its costs for repairing or replacing any of its facilities damaged, rendered inoperable or removed, for or by any reason or cause which the customer should reasonably have been aware of or prevented, or as a result of construction or other work or activity on the served property, including, without limitation, the sidewalks, driveways, curbs and gutters adjacent thereto, or as a result of installation of utility services to the served property. The System may, without limiting the foregoing, declare Default against any service wherein damage is done to System property or integrity by the service's customer or by the owner of the property served by the service, or under any circumstances which the customer and/or the property owner should reasonably have been aware of or prevented.

Regulation 107: Adopted, July 20, 1983 (Ord. 83-2)

Regulation 108

CROSS-CONNECTION AND BACKFLOW PREVENTION

(a) **Purpose and Authority**

Inverness Public Utility District Water System furnishes public water supplies under permits issued by the State of California Department of Health Services. In order to comply with the terms of these permits and with all State regulations intended to protect the public water supply from contamination, an appropriate backflow preventer shall be installed at every service connection where one is required by regulations of the Department of Health Services, by other State regulations, or by this Regulation of the Inverness Public Utility District Water System. In particular, this Regulation shall implement the requirements of Title 17, Sections 7583 through 7603, inclusive, of the California Administrative Code, and shall provide District operating rules from implementing a cross-connection program.

Examples of sites where backflow prevention devices are required include locations with an auxiliary water supply, locations where pressurized fluids are handled, locations with plumbing connections to unpotable piping or water storage facilities. Need shall be determined in accordance with Section 7585 of Title 17 of the California Administrative Code; the California State "Manual of Cross-Connection Control Procedures & Practices" may also be referenced to determine need.

This Regulation supplements and does not supercede local plumbing regulations, codes, or ordinances, or State regulations related to water supply.

(b) **Definitions**

For the purposes of this Regulation, the definitions in Section 7583 of Title 17 of the California Administrative Code shall apply.

(c) **Survey**

When this Regulation becomes effective, the staff of the Inverness Public Utility District Water System shall conduct a survey by appropriate means to identify water user premises where cross-connections are likely to occur. Each new connection shall be evaluated for the possibility of cross-connection. Staff shall exercise reasonable diligence to identify changes at water user premises that indicate a possibility of cross-connection.

(d) **Cross-Connection Condition**

A "cross-connection condition" shall be deemed to exist at a water user premises when there is an unprotected actual or potential connection between the potable water system used to supply water for drinking purposes and any source or system containing unapproved water or any substance that is not or cannot be approved as safe, wholesome and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to constitute a cross-connection condition. Special consideration shall be given to premises of the types listed in Section 7585 of Title 17 of the California Administrative Code for purposes of evaluating the degree of health hazard to the public water supply.

(e) **Cross-Connection Inspector**

The District shall designate at least one person to be its cross-connection inspector, which person or persons shall have responsibility for inspecting, testing, and certifying backflow preventers. Such inspectors shall be individuals certified by the American Water Works Association, the University of Southern California, or the Inverness Public Utility District as backflow prevention testers.

(f) **Maintenance of Records**

The District's staff shall maintain for a minimum of three (3) years records of the locations, tests, maintenance, repairs, and replacements of backflow preventers required pursuant to Section 7585 of Title 17 of the California Administrative Code.

(g) **Single Check Valve and Master Shutoff Valve**

Every customer service shall be quipped with a master shutoff valve and a backflow preventer (minimum of a single check valve), as provided for in Inverness Public Utility District Ordinance 83-4, regardless of whether or not a cross-connection condition exists at the water user premises. In general, this Regulation (Regulation 108) is not intended to apply to a water user premises at which the sole requirement for a backflow preventer is provided for in Ordinance 83-4, and at which no cross-connection condition, as defined in paragraph "d" of this Regulation, exists.

(h) **Type of Backflow Preventer Required**

In the event of a cross-connection condition at a water user premises, the type of preventer to be installed shall be determined by the District, giving consideration to the likelihood of backflow occurring, the type of contamination that may occur, and applicable State regulations. The general types of backflow preventers the District may require (in decreasing order of protection) are: Air Gap (AG), Reduced Pressure Principle device (RP), and double check valve (DCV). A single check valve installed pursuant to Inverness Public Utility District Ordinance 83-4 shall not be deemed sufficient as a backflow preventer at a water user premises where a cross-connection condition exists. The specific model of any device must be approved by the District.

(i) **Initial Installation/Inspection, Testing and Certification of Backflow Preventer**

The manner and location of installation of a backflow preventer shall be subject to District approval. In general, all backflow preventers shall be installed by others. The initial installation/inspection, testing and certification of a required backflow preventer shall be at the expense of the customer or property owner.

(j) **Periodic Inspection and Testing of Backflow Preventers**

A certified inspection by a District-designated inspector of all backflow preventers shall be performed annually. More frequent inspection shall be required in cases where successive inspections indicate repeated failure, or in cases where unusual conditions or unusually hazardous cross-connections indicate a need for more frequent inspection in order to safeguard the public water supply, or in cases where more frequent inspection is determined to be necessary by the health agency.

A report of each certified inspection shall be submitted to the District within thirty (30) days of the inspection. An inspection shall be conducted within thirty (30) days of the scheduled inspection date.

(k) **Repair and Replacement of Backflow Preventer**

A backflow preventer that fails a performance test will be repaired or replaced by the District, provided that the preventer was initially installed by the District or has been previously certified by the District, and the bimonthly backflow service charge is in effect for the customer account for the water user premises where the preventer is located. If an upgrade of a backflow preventer is required, the upgrade installation and initial testing costs shall be at the expense of the customer or property owner, and shall not be covered by the bimonthly backflow service charge.

(l) **Noncompliance**

If a consumer fails to comply with this Regulation by failure to notify the District of the existence of a cross-connection condition, or a failure to install, test, or correct deficiencies, or by removal, tampering with, modifying, or bypassing a preventer, the District shall have the right to refuse water service or to discontinue water service, and, if it deems necessary, to physically disconnect the consumer's piping from the District's distribution system.

(m) **Access for Inspection**

Inverness Public Utility District personnel and representatives of any governmental health agency shall have the right of ingress to and egress from the consumer's premises at all reasonable hours without prior notification for the purpose of investigating compliance with this Regulation and State Health Department requirements.

(n) **Liability**

The District shall not be liable for any injury to persons or damage to property which may result directly or indirectly from the installation, malfunction, testing, or repair of any backflow preventer.

(o) **Charges**

The customer or property owner shall pay for initial installation/inspection, testing, and certification of a backflow preventer, or for installation, testing, and certification of a required upgrade backflow preventer. These charges shall be based on the District's cost for time and materials plus the District's standard overhead factor. The certification charge at the time of initial installation/inspection, at the time of upgrade installation, and in cases where the bimonthly cross-connection charge is not applied, shall be eight dollars and fifty cents (\$8.50).

Once a backflow preventer has been initially certified, the customer shall be charged a bimonthly cross-connection charge, payment of which shall entitle the customer to inspections and certifications at the prescribed inspection intervals, maintenance, testing, repair, and replacement of the installed backflow preventer. The following shall be the schedule of bimonthly charges:

<u>Inspection Frequency</u>	<u>Charge (Bimonthly)</u>
Annual	\$ 7.00
Semiannual	\$12.00
Quarterly	\$24.00
Monthly	\$66.00

(p) **Exceptions for 1.5-inch and Larger Assemblies**

In the case of a 1.5-inch or larger backflow preventer assembly, the District may at its option provide periodic inspection, testing, maintenance, repair, replacement, and certification on a time and materials (plus overhead) basis, rather than as provided for in paragraph "o" of this Regulation. At its option in the case of a 1.5-inch or larger backflow preventer assembly, the District may require the customer or property owner to provide directly for maintenance, repair, and replacement of the backflow preventer, with the District providing only inspection, testing, and certification.

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Regulation 108: Adopted, July 20, 1983 (Ord. 83-2)
Retitled, revised in its entirety, and readopted, February 20, 1989, Ord. 19-89

Regulation 109

ACCESS TO FACILITIES

(a) **Access to Facilities**

By filing an application for a new service connection, and/or by executing a service agreement, an applicant, customer, consumer or property owner, as applicable, together with all other users and/or customers of System water at the served property, irrevocably license System personnel and System's authorized representatives and employees and agents to enter upon the property so served by or connected to the System at reasonable times for purposes of, but not necessarily limited to, reading, inspecting, testing, checking, repairing, maintaining and replacing System's meters and any other System facilities, equipment or installations located thereon or adjacent thereto, or to check for or abate any emergency or potential emergency condition. The provisions of this Regulation shall not limit any other rights of ingress to or egress from any served property provided for under any other provisions of these Regulations.

Regulation 109: Adopted, July 20, 1983 (Ord. 83-2)

Regulation 110

INTERRUPTION OF SERVICE

(a) **General**

District and System reserve without restriction absolute right to shut off, interrupt, disrupt or otherwise temporarily discontinue or restrict the supply of water to any, several or all service connections for purposes of, but not necessarily limited to, repairing, maintaining, extending or altering its facilities and installations. Whenever possible, System Manager shall provide reasonable advance notice of any degradation of service to all foreseeably affected users. System shall not, and does not, provide any guarantee of an absolutely continuous supply of water, and users so in need of an absolutely continuous supply shall, at user's sole expense and risk, provide themselves with appropriate alternate source of supply. This provision notwithstanding, no emergency storage facility or alternate source of supply may be maintained in any way in contravention of or outside the provisions of any applicable System Regulation.

(b) **System Nonliability**

Neither the Inverness Public Utility District nor the Inverness Community Water System, nor their employees, agents, servants or Directors, shall be liable or responsible for any loss, damage or inconvenience suffered by any customer, property owner or user as a result, directly or indirectly, of any interruption, degradation, or discontinuance of water service, whether or not advance notice of such interruption, degradation or discontinuance has been provided, so long as such interruption, degradation or discontinuance was not willful, unreasonable or without good and proper cause or for purposes and intents provided for herein. Neither the Inverness Public Utility District, the Inverness Public Utility District Water System, nor their employees, agents, servants or Directors shall be liable or responsible for any loss, damage or inconvenience suffered by any person or property as a result of Acts of God or Nature, unavoidable accident, disturbance, riot, war, calamity, disaster, or condition of any kind beyond the control of said District, System, employees, agents, servants or Directors.

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Regulation 110: Adopted, July 20, 1983 (Ord. 83-2)

Regulation 111

PRIVATELY-OWNED FACILITIES

(a) **Installation and Maintenance**

The customer or the owner of any property served by the System shall, at his or her own risk, furnish, install, maintain, repair and retain ownership and control over, and absolute liability and responsibility for, any and all pipes and water receiving, distribution, and outlet facilities on the property's side of the outlet of the System's water meter or connection, provided, however, that if any such pipes, equipment or facilities are the proximate cause of damage, nuisance, inconvenience or hazard to the System or the public water supply, or to other of the System's customers or consumers, or to the general welfare of the public, the System shall have an absolute right to compel the owner or user of such pipes, equipment or facilities to adjust, repair or replace the same, or to discontinue drawing water from the System.

(b) **Nonresponsibility**

Neither the Inverness Public Utility District nor the Inverness Community Water System, nor their employees, agents, servants or Directors shall be responsible or liable for any loss or damage caused by the negligent or wrongful acts or omissions of a customer, consumer or user of System services or of such customer's, consumer's or user's tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with any water receiving equipment. The System shall not be responsible for damage caused by faucets, valves or other outlet equipment which in any way at any time malfunction or which may be opened or left on at any time without the intention or knowledge of the customer.

(c) **Right to Turn Off Service**

System personnel, employees and agents shall have an absolute right at any time to turn off any service, without necessarily suspending the service, when in the judgment of said personnel, employees or agents, in the singular and the plural, such action will prevent loss or use of water unintended by the customer. In such instances, the System Manager shall make reasonable effort to contact and inform the customer and/or property owner of said action and of the circumstances under which said action has been undertaken.

(d) **Connection to Meter or Other System Service Outlet**

The owner of the property served by the System shall be solely responsible for connecting the service's meter or service outlet, such connection to conform in all respects to all applicable Standard Drawings adopted by and for the System. However, except as provided for in Regulation 105, the System will at its option make the necessary connection if the service's pipeline is properly placed before the meter or System service outlet facilities are installed.

(e) **Pressure Devices**

Where it is desired to reduce or increase the pressure under which water is supplied by the System, the property owner shall be responsible for installing and maintaining any and all necessary regulators, pumps, relief valves, and related devices, subject to all applicable provisions of Regulation 112 or Regulation 113. All such equipment shall be installed on the property side of the System's meter or service connection installation, and at property owner's risk and expenses. Pursuant to Regulation 113, the System may require installation of pressure reducers where water pressure exceeds ninety (90) pounds per square inch at the meter or System service outlet.

(f) **Ground Wire Attachments**

The System shall not be responsible for providing any electrical ground through water service equipment, nor shall System aid, encourage or abet attachment of any ground wiring to plumbing which is or may be connected to System equipment or facilities. The System shall hold liable the customer, property owner or consumer for any injury to System personnel or for any damage to System property resulting directly or in-

directly from attachment of any ground wire or similar device to any pipes, fixtures or equipment connected to, either directly or indirectly, System equipment, facilities or installations.

(g) **Master Valve and Backflow Check Valve**

Effective October 1, 1984, each and every service connection shall be equipped, solely at the property owner's expense, with a readily accessible, hand-operated master shutoff valve installed between the meter or other service connection device and the service's first outlet closest to the service connection and as close to the meter or other service connection device as is reasonable. Effective October 1, 1984, each and every service connection shall be provided, solely at the property owner's expense, with a backflow check valve located at the service connection and conforming to the applicable Standard Drawings adopted by and for the System.

Regulation 111: Adopted, July 20, 1983 (Ord. 83-2)

Regulation 112

LOW-PRESSURE SERVICE

(a) **Nonresponsibility**

Notwithstanding any provisions of any other of these Regulations, the System shall not be obliged in any way to provide service to any property the highest elevation of which is less than one hundred (100) feet below the elevation of the normal System service outlet of the System storage tank, reservoir or similar storage facility from which service to said property would normally be provided.

(b) **Exception**

The System may, at its sole discretion, declare any property to which it has not obligation to provide service under paragraph a. of this Regulation to be a "Low-Pressure Service" for purposes of providing and/or maintaining a service connection.

(c) **Conditions of Low-Pressure Service**

The System may provide a service connection and water service to a Low-Pressure Service which satisfies in their entirety all the following conditions:

- (1) Applicant for the Low-Pressure Service enters into an agreement running with title to the affected property to accept service at such pressure as the System is able to provide, and releasing District and System from any liability deriving from degraded service as a result, either directly or indirectly, of said low pressure and from any and all responsibility or obligation to provide water service at normal pressure, and agreeing to maintain in suitable, functioning and operable condition and repair, without cost to the System, any necessary pumping, carriage and storage facilities required in or for the provision of said service.
- (2) The System determines the feasibility of serving the Low-Pressure Service from existing System facilities as would normally be used to provide service in the same general locale, taking into consideration the quantity and elevation of water storage facilities to which the service is or is to be connected, as well as the availability and transportability of water intended for the service.
- (3) The System determines that availability of water of normal pressure to the served property via standard gravity-type distribution system facilities is neither presently feasible for whatever reason, nor to become feasible within a reasonable period of time.
- (4) The applicant accepts the System's specifications of and requirements for any special pumping and storage facilities reasonably necessary in the System's sole judgment to provide said Low-Pressure Service to the applicant's service connection from existing facilities.

(d) **Installation**

All special equipment and installation provided for under subparagraph (4) of paragraph c. of this Regulation, as a condition of and prior to receiving service, shall be installed by the applicant without cost to the System and shall be installed on the applicant's property side of the System's meter or service connection, shall be to the System's satisfaction and specifications, and shall conform in all respects to all applicable Standard Drawings adopted for and by the System. The applicant shall present to the System documentary evidence provided by a licensed plumber, registered engineer, or recognized pump manufacturer that applicant's entire system complies with the System's requirements, both generally and specifically, and shall provide documentary evidence to the System's satisfaction that said system complies with performance standards provided for in paragraph g. and h. of this Regulation. Such evidence notwithstanding, the System reserves to itself final, complete and absolute right to inspect, test and approve, or withhold approval of, applicant's system.

(e) **Meter or Service Connection Location**

A meter or service connection serving a Low-Pressure Service must be at an elevation and location determined by the System and which in System's sole judgment will provide for the best possible supply of water to the service. The System reserves absolutely the right to specify the size of the service connection line.

(f) **Protection of System Facilities**

The design and manner of installing applicant's pump and related piping and equipment shall not be done so as to foreseeably harm, damage, degrade or interfere with normal operation and maintenance of any System facilities, and specifically must not create negative suction pressure in applicant's or System's piping and installations.

(g) **Pump**

Any pump installed, functioning, operating or required in conjunction with providing a service to a Low-Pressure Service shall meet the following minimum design and operational requirements and standards:

- (1) Be of centrifugal type;
- (2) Have rated capacity of not less than twelve (12) gallons per minute;
- (3) Be capable of maintaining a minimum pressure of twenty (20) pounds per square inch under normal maximum water usage conditions at the highest elevation to which a service outlet is or will foreseeably be provided.

(h) **Storage Tank**

Any storage tank or facility installed, functioning, operating or required in conjunction with providing service to a Low-Pressure Service shall meet the following minimum design and operational requirements and standards:

- (1) Have a nominal storage capacity of no less than one hundred and ten (110) gallons;
- (2) Have working pressure equal to the shutoff pressure of the Low-Pressure Service's pump;
- (3) Be equipped with an automatic air charging system;
- (4) Be equipped with a pressure relief valve set to relieve pressures in excess of stated safe design limits and have a release capacity equal to the Low-Pressure Service's maximum pumping rate;
- (5) Be equipped with a backflow protection device or check valve to prevent contamination of System water.

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Regulation 112: *Adopted, July 20, 1983 (Ord. 83-2)*
Paragraph (i), "New Service Connection Charge Rebate," added, April 20, 1997 (Ord. 9-87)
Paragraph (i), "New Service Connection Charge Rebate" deleted, February 26, 1996 (Ord. 42-96)

Regulation 113

HIGH-PRESSURE SERVICE

(a) **General**

The System maintains and reserves an absolute right to provide service to any and all portions of its service area under conditions of "High-Pressure Service," wherein pressures at meters or service connections exceed ninety (90) pounds per square inch.

(b) **Property Owner's Responsibility**

In any area of High-Pressure Service, it shall be the responsibility of the property owner of each such served connection, at property owner's expense and risk, to provide, operate and maintain a pressure regulating device of a design, type, standard and installation specified by the System and conforming in all respects to all applicable Standard Drawings adopted by and for the System.

(c) **System Installed Regulators**

In the event service to a connection not already designated a High-Pressure Service is affected as a result of a System improvement program or project such that pressure at the meter or service connection will exceed eighty (80) pounds per square inch, the System shall install or cause to be installed at said service connection, and at System's sole expense, a pressure regulator device. Upon such installation, ownership of the regulator device shall pass to the property owner who shall from that time on be solely responsible for its operation, maintenance, repair and replacement

(d) **New Service Connection**

An applicant for a new service connection designated by the System as a High-Pressure Service shall, as a condition of acceptance by the System of the application agree in writing to provision of a High-Pressure Service and to the applicability of this Regulation to the service being applied for.

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Regulation 113: Adopted, July 20, 1983 (Ord. 83-2)

Regulation 114

IMPROVEMENT OF SYSTEM FACILITIES

(a) **General**

The Inverness Public Utility District and/or the Inverness Public Utility District Water System may at any time undertake improvements to, including additions to, expansion of, or extension of, installations and facilities of the Inverness Public Utility District Water System, at their sole discretion, when in said District's or System's judgment such improvements are consistent with the intents and purposes of these Regulations and with the general obligations and intents of the utility service, and will result in improvement of System operation, service and capacity. Any such improvement program or project shall be undertaken in full compliance with all codes, rules, statutes, regulations and requirements of government agencies having proper jurisdiction, and upon securing any and all licenses, permits and permissions required for such improvement program or project by government agencies of proper jurisdiction, and shall conform in all respects with all applicable Standard Drawings adopted by and for the System.

(b) **Limited Area Improvements**

In the event an improvement program or project will benefit, for practical purposes, only a limited portion of the System's total service area or customers (such as, but not limited to, a "loop" interconnection between two water mains), the System may undertake such program or project without entering into an extension agreement and without all or a portion of the costs thereof being advanced by an applicant or applicants or customer or customers, as provided for in Part B of these Regulations. The System may at its sole discretion allocate such project or program costs among the various parcels of land susceptible of service therefrom, whether or not such parcels are at the time receiving service and whether or not any applications for service thereto have been received. Such allocation shall be on such fair and equitable basis, as the System shall determine, taking into consideration such factors as, but not limited to, area of parcel, parcel's potential water requirement, and parcel's frontage (if any) on or access to the said new System facilities. Each such parcel's so-allocated costs shall be paid to the System prior to any commencement of water service to the said parcel and as a condition for provision of water service to said parcel, and such costs shall be in addition to any other costs, rates, charges or fees provided for in these Regulations.

(c) **Exclusion**

The provisions of paragraph b. of this Regulation shall not be applied to any improvement program or project in which more than one-third (1/3) of the parcels which will benefit directly therefrom are already connected to the System.

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Regulation 114: Adopted, July 20, 1983 (Ord. 83-2)

Regulation 115

**ADJUSTMENT OF USAGE CHARGE FOR
UNINTENTIONAL OR INADVERTENT USAGE**

(a) **Policy**

It is the policy of the District that a charge shall be made to each customer for all water that passes through the customer's meter during each billing period, with only the following exceptions: (1) Any component of usage that is provided without charge under the System's schedule of rates and charges; (2) Any usage by the System itself or by the District for firefighting or for Fire Department training or other authorized activities; (3) Any usage incorrectly measured as a result of malfunction or misreading of the customer meter; (4) Any usage that occurs as a consequence of an event declared by the Board of Directors as a natural disaster; (5) Usage that is unintended or inadvertent as provided for in Paragraphs (c) through (k) of this regulation.

(b) **Meter Reading Error or Meter Reading Transcription Error**

Whenever it becomes apparent that a statement has been rendered to a customer that includes usage charges based on an erroneous reading of the customer's water meter or an erroneous transcription of the customer's meter reading, the General Manager shall immediately cause the appropriate credit or debit to be posted to the customer's account so as to rectify the erroneous charge. In the event a credit is posted against erroneous charges that a customer has already paid, the General Manager shall refund the credit amount to the customer if the customer so requests, provided that the amount of the credit equals or exceeds \$100.00 and provided that the refund request from the customer is received at the District office at least 21 days before the next scheduled statement date.

(c) **Unintended or Inadvertent Usage**

In the event of unintended or inadvertent usage of water by a customer during a billing period and upon application by the customer on the District's form, the General Manager shall adjust the customer's water usage charge, provided that all the following conditions are satisfied:

- (1) The customer's total metered usage during the billing period in which the unintended or inadvertent usage occurred was at least 2,100 cubic feet (21 ccf).
- (2) The customer's total metered usage during the billing period in which the unintended or inadvertent usage occurred was at least 150% of the customer's normal usage for that billing period, based on the average of the customer's usage during the same billing period over the three preceding years, as determined pursuant to Paragraph (f) of this Regulation.
- (3) If the cause of the unintentional or inadvertent usage was a fault or malfunction in the customer's plumbing system or fixtures, repairs adequate to correct the fault or malfunction have been made and documentation thereof has been submitted; if the cause of the unintentional or inadvertent usage is unknown, the customer has submitted a signed affidavit that the reason for the high usage is unknown to the customer.
- (4) The customer's service connection is in compliance with Regulation 108, "Cross-Connection and Backflow Prevention," of the Regulations of the Inverness Public Utility District Water System.
- (5) The customer has not had a usage charge adjusted under the provisions of Paragraphs (c) through (k) of this Regulation as a result of unintentional or inadvertent usage that occurred during the 36

months preceding the first day of the billing period during which the current intentional or inadvertent usage occurred.

(d) **Adjusted Usage Charge**

A qualifying customer's adjusted usage charge for the billing period in which the unintentional or inadvertent usage occurred shall be the usage charge that would apply had the customer's usage been equal to the customer's normal usage for the billing period, based on the average of the customer's usage during the same billing period over the three preceding years (as determined pursuant to Paragraph (f) of this Regulation), plus a processing charge of One Hundred and No/100s Dollars (\$100.00).

(e) **Application Requirements**

(1) An application for adjustment of usage charge must be made on the District's form and must be received at the District office within 60 days of the date of the customer billing statement that includes the charge requested for adjustment. An application that does not include all information requested and necessary in order to grant the adjustment shall be returned to the customer for completion and must be resubmitted within 21 calendar days. Failure of the customer to resubmit the application within 21 days or failure of the customer to provide the omitted information shall be deemed to constitute a withdrawal by the customer of the application.

(2) An application for adjustment of usage charge shall state the cause of the unintentional or inadvertent usage to the best of the customer's knowledge and must include a statement of the measures taken by the customer to prevent recurrence of the cause of the unintentional or inadvertent usage.

(3) If the cause of the unintentional or inadvertent usage is unknown to the customer, the customer must include with the application a signed affidavit that the cause is unknown to the customer and that to the best of the customer's knowledge and belief the higher than normal usage was not made knowingly or intentionally.

(4) **Documentary evidence of repairs.** If the unintentional or inadvertent usage was caused by or resulted from a fault or malfunction in a component of the customer's plumbing system or fixtures, including an irrigation system, documentary evidence that repairs have been made must be submitted as a prerequisite to adjustment of the usage charge. Documentary evidence may consist of a copy of a plumber's or contractor's invoice, or copies of receipts for materials purchased for making repairs. Such documentary evidence, when required, must be submitted within 90 days of receipt by the General Manager of the application for adjustment of usage charge; extensions may be granted by the General Manager under unusual circumstances. Failure to submit required documentary evidence within the prescribed time limit shall be construed as a withdrawal of the application. The General Manager may for good cause waive the requirement that documentary evidence be submitted or may require an inspection of the repairs by a District employee in lieu of or in addition to requiring submission of documentary evidence.

(f) **Determination of Customer's Normal Usage**

For purposes of determining a customer's eligibility for adjustment of usage charge and for determining the customer's adjusted usage charge, the General Manager shall determine the customer's normal usage for the billing period by calculating the customer's average usage during the same billing period over the three preceding years. In the event that any of the data for the three preceding years is not available or is not reflective of the customer's normal usage, the General Manager may use any alternative averaging or determination method that is reasonable.

(g) **Inspection**

As a prerequisite to granting an adjustment of usage charge, the General Manager may require onsite inspection by System personnel of repairs made in connection with the application and/or may require a general inspection of the customer's plumbing system and fixtures. The General Manager may reject an application for adjustment of usage charge if in the judgment of the General Manager repairs that have been made are inadequate to reasonably prevent recurrence of unintentional or inadvertent usage or if the customer's plumbing system fails to meet applicable building code standards.

(h) **Service Call Charges**

Nothing in this regulation shall preclude or limit the System from levying its normal service call charges for calls made by System personnel to the customer's premises in connection with locating, investigating, or correcting the cause of an unintentional or inadvertent usage of water or in order to conduct inspections of repairs or of an applicant's plumbing system.

(i) **Subsequent Application for Adjustment of Usage Charge Within 36 Months**

If the General Manager denies an application for adjustment of usage charge on grounds that the applicant has already been granted an adjustment of usage charge within the preceding 36 months, the General Manager shall inform the applicant of the right to appeal the denial to the Board of Directors. Such an appeal must be filed in writing with the Clerk of the Board within 30 days of notification to the customer of the General Manager's denial of the application. Upon receipt of an appeal, the Clerk of the Board shall place the appeal on the next agenda to be prepared for a regular meeting of the Board of Directors. The decision by the Board of Directors on the appeal, and if an adjustment is made on the amount of the adjustment, shall be solely at the discretion of the Board of Directors, whose determination shall be final. In making its determination, the Board may consider such circumstances as, but not limited to, the following: the immediate cause of the unintentional or inadvertent usage, the surrounding circumstances, the amount of the unintentional or inadvertent usage, the circumstances of the previous unintentional or inadvertent usage, the similarities between the current and the previous instances of unintentional or inadvertent usage, the history at the service premises of unintentional or inadvertent usage, the condition of the customer's plumbing system, fixtures, and facilities, the likelihood of recurrence, financial hardship on the customer, the occupancy of the served premises, use at the served premises of an irrigation system and/or an automated watering system control device, and the amount of Water System staff time expended on locating, investigating, making temporary repairs, etc., in conjunction with the unintentional or inadvertent usage. The burden of demonstrating that mitigating circumstances exist shall rest with the applicant.

(j) **Compliance with Regulation 108**

The General Manager shall deny an application for adjustment of usage charge that occurred at a customer service that is subject to the requirements of Regulation 108 ("Cross-Connection and Backflow Prevention") but is not in compliance with the requirements of Regulation 108.

(k) **Appeal**

Any determination, finding, or decision made by the General Manager in applying the provisions of this regulation or in handling an application for adjustment of usage charge may be appealed to the Board of Directors. Such an appeal must be filed in writing with the Clerk of the Board within 30 days of notification to the customer of the General Manager's determination, finding, or decision. The appeal shall be placed on the next agenda to be prepared for a regular meeting of the Board of Directors. The decision of the Board of Directors shall be final.

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Regulation 115: 1988, January 18: Adopted (Ordinance 11-87)
1989, November 20: Revised in its entirety (Ordinance 23-89)

- 1991: October 21: Revised in its entirety and retitled (Ordinance 29-91)
- 1993, May 17: Paragraph (k) added (Ordinance 33-93)
- 1995, January 16: Revised in its entirety and retitled (Ordinance 39-95)
- 1997, May 27: (1) in Paragraph (c) and (2) in Paragraph (d) revised (“...2100 cubic feet (21 ccf)...” amended to “...1500 cubic feet (15 ccf)...”) (Ordinance 44-1997)
- 1997, October 27: (1) in Paragraph (c) and (2) in Paragraph (d) revised (“...1500 cubic feet (15 ccf)...” amended to “...2100 cubic feet (21ccf)...”) (Ordinance 47-1997)
- 2023, July 26: Paragraph (d) revised changing the determination of the adjusted usage charge; paragraph (j) revised deleting obsolete references to Ordinances 83-4 and 28-91; non-substantive changes made in subparagraphs (2) and (4) of paragraph (c) (Ordinance 112-2023)

Regulation 116

OUT-OF-DISTRICT SERVICE CONNECTION

(a) **Policy**

It is the policy of the District that water service shall be provided to a parcel that is not within the boundaries of the Inverness Public Utility District only under limited circumstances of necessity or significant lack of reasonable alternatives and provided that the System has available to it sufficient water to supply the reasonably estimated demand of the new service and sufficient capacity to safely and reliably produce, deliver, and provide water to the new service. It is also the policy of the District that service may be provided to a parcel outside the District's boundaries only if there is no need for significant extension of the District's distribution system in order to provide the requested service. For purposes of this Regulation, a "significant extension" is when new distribution system facilities would be required because the parcel to be served does not abut a District boundary or does not have accessible frontage on a road in which the District already has an adequate distribution main.

(b) **Findings and Approval by Board of Directors**

An applicant for a new service connection to serve a parcel that is not within the boundaries of the Inverness Public Utility District shall present to the Board of Directors the circumstances of necessity or significant lack of reasonable alternatives that constitute the grounds for receiving water service from the District. If the parcel to be served is within the boundaries or jurisdiction of another water district or recognized water service provider, the General Manager shall certify to the Board of Directors that the other water district or water service provider has given its permission for service to be provided by the Inverness Public Utility District Water System. The request for a service connection must be approved by the Board of Directors of the Inverness Public Utility District, which approval shall not be provided in the absence of a finding by the Board that the policy requirements set forth in paragraph (a) of this Regulation are satisfied and that all applicable "Conditions Precedent to Service" as set forth in paragraph (f) of Regulation 101 would be satisfied.

(c) **Applicability of Regulations**

Except as provided for in this Regulation, all Regulations of the Inverness Public Utility District Water System shall apply to any service or request for service at a parcel that is not within the boundaries of the Inverness Public Utility District in the same manner as they apply to new-service connections within the District's boundaries.

(d) **Service Area Expansion Charge**

In addition to the applicable New Service Connection Fee provided for in subparagraph (5) of paragraph (f) of Regulation 101, a service outside the District's boundaries must pay a Service Area Expansion Charge. If the parcel to be served is not within the boundaries or jurisdiction of another water district or recognized water service provider, the Service Area Expansion Charge shall be equal to fifty percent (50%) of the New Service Connection Fee that is in effect at the time the application for the new service connection is accepted by the District, pursuant to approval by the Board of Directors. If the parcel to be served is within the boundaries or jurisdiction of another water district or recognized water service provider, the Service Expansion Charge shall be one-hundred percent (100%) of the New Service Connection Fee that is in effect at the time the application for the new service connection is accepted by the District, pursuant to approval by the Board of Directors.

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Regulation 116: Adopted, June 18, 2001 (Ordinance 55-2001)

Regulation 117

WATER SHORTAGE EMERGENCY (Water Conservation Program)

(a) **Declaration of a Water Shortage Emergency**

A Water Shortage Emergency may be declared by Resolution of the Board of Directors of the Inverness Public Utility District under the conditions cited in, and pursuant to the provisions of, Sections 350 through 358 of the Water Code of the State of California. Except in the event of a wildfire or a breakage or failure of a dam, pump, pipeline, or conduit causing an immediate emergency, adoption of a Resolution declaring a Water Shortage Emergency shall be made only after a public hearing at which consumers of the water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the governing board. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code at least seven (7) days prior to the date of the hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

(b) **Purpose**

The purpose of this Regulation is to provide during a Water Shortage Emergency a “Water Conservation Program” consisting of regulations and restrictions on the demand for water, the delivery of water, and the consumption of water supplied for public use as will, in the sound discretion of the District’s Board of Directors, conserve the District’s water supply for the greatest public benefit, with particular regard to public health and sanitation, fire protection, domestic use, and preservation of the ecological health of the community and the District’s watershed by reducing wasteful uses of water and allocating the available water supply fairly and equitably among the customers and users. This Regulation is intended to be operative pursuant to a declaration by the Board of Directors that a Water Shortage Emergency condition prevails within the area served by the District’s Water System.

(c) **Implementation**

This Regulation and its provisions shall be in effect and shall be binding on the customers of the District’s Water System and users of District-provided water with the full force and effect of law immediately upon adoption by the Board of Directors of the Inverness Public Utility District of a Resolution declaring that a Water Shortage Emergency condition prevails within the area served by the District’s Water System, unless said Resolution provides otherwise, and shall remain in full force and effect until the Board of Directors of the Inverness Public Utility District declares by Resolution an end to the Water Shortage Emergency. In its Resolution declaring a Water Shortage Emergency, the Board of Directors may provide for regulations and restrictions on the demand for, delivery of, and consumption of water other than as provided for in this Regulation, or in addition to the regulations and restrictions provided for in this Regulation; it may also exempt enumerated provisions of this Regulation from being placed in effect during a declared Water Shortage Emergency.

(d) **Effectiveness**

This Regulation and all its provisions individually and collectively shall be effective, applicable, and enforceable while, but only while, a duly declared Water Shortage Emergency is in effect in the District.

(e) **New Service Connections**

(1) At any time a Water Shortage Emergency is in effect, there shall be a moratorium on connecting to the District’s Water System and providing a meter for any new service the application for which is submitted to the District while the duly declared Water Shortage Emergency is in effect.

- (2) The District's Water System shall continue to receive applications for New Service Connections while a Water Shortage Emergency is in effect (called the "moratorium period"). Applications that are received during a moratorium period, accompanied by the applicable New Service Connection fee, and deemed complete, shall become eligible to be accepted and processed for allocation of a New Service Connection only when the Water Shortage Emergency is cancelled by action of the Board of Directors.
- (3) Any application for a New Service Connection that is submitted and received during a moratorium period shall not be deemed complete unless and until the applicant acknowledges in writing that acceptance and processing by the District shall be at the risk and expense of the applicant and that receipt by the District shall confer no right upon the applicant or anyone else during the moratorium period and until the Water Shortage Emergency has been cancelled, and that the applicant releases the District for all claims of damages arising out of or in any manner connected with the moratorium on connections.
- (4) An exception, called the "deferred landscaping exception," to the moratorium in subparagraph (e)(1) may be enabled by the Board of Directors either in the resolution declaring the Water Shortage Emergency or in a subsequent resolution adopted while the Water Shortage Emergency is in effect, by which exception a New Service Connection shall be eligible for installation at a property for which the application for the New Service Connection is deemed complete, the applicable New Service Connection fee has been paid, and the applicant agrees to defer landscape installation until after the Water Shortage Emergency has been cancelled. An applicant for a deferred landscaping exception must acknowledge and accept in writing as follows: the terms of the deferred landscaping exception; a notice that the District does not in any way represent, suggest, or warrant that the deferred landscaping exception will be recognized or accepted by any other agency or will insure that permits by other agencies will be granted; and that willful violation of the terms of the deferred landscaping exception after reasonable notice may result in forfeiture of connection to the District's Water System. At any time this exception is enabled, its effectiveness and applicability to subsequent applicants may be withdrawn and cancelled by action by resolution of the Board of Directors.
- (5) For purposes of this paragraph (e), an application for a New Service Connection for which an extension of Water System facilities is required cannot be deemed complete until all applicable and necessary agreements for provision of the required extension facilities have been executed by the applicant.

(f) **Three-Stage Water Conservation Program**

The District's program to conserve the public water supply during a Water Shortage Emergency shall consist of the three stages detailed in subparagraphs (1), (2), and (3) below. These stages shall be implemented as provided for in paragraph (g) below.

(1) **Stage 1: General Conservation and Prohibition of Nonessential Uses of Water**

While Stage 1 is in effect, the Water System shall implement a program to encourage its customers and users to conserve water and informing them of the need to reduce water usage. In addition, the following nonessential uses of water shall be prohibited during Stage 1:

- a. Any use of water in conjunction with installation of new landscaping or in support of replacement within a 180-day period of more than 25 square feet of existing landscaping, except as necessary for erosion control or for dust control at construction sites.
- b. Use of water through any service when the customer, the user, or the owner of the premises is aware of, or should have cause to be aware of, any broken or defective plumbing, sprinkler, watering or irrigation system, and the customer or owner has failed to effect necessary repairs within ten (10) days.

- c. Use of water which results in flooding or runoff into a gutter, street, roadway, or elsewhere of similar nature, including any runoff of any nature off the property intended to be served by the meter.
- d. Use of water through a hose not equipped with a positive activation mechanism for washing cars, busses, boats, trailers, or any other types of vehicles.
- e. Use of water through a hose for washing the exteriors of buildings or structures, or for washing sidewalks, driveways, patios, parking lots, athletic or game courts (such as tennis courts), or other hard-surfaced outdoor areas.
- f. Use of water for filling any new swimming pool or for refilling any existing swimming pool, except for reasonable “topping off” or reasonable backwashing-to-waste of existing swimming pools at intervals of not less than fourteen (14) days.
- g. Use of water to clean, fill, or maintain levels in decorative fountains, pools, or ponds exceeding one hundred (100) gallons capacity, except as minimally necessary to maintain existing piscine life.
- h. Use of water for construction purposes, such as consolidating backfill, unless no other source of water or method is reasonably available to be used and a permit for said use has been issued by the General Manager of the Inverness Public Utility District.
- i. Service of water to a customer by any restaurant or food-service establishment except when requested by the customer.
- j. Use of water without a permit issued by the General Manager to fill any privately-owned water storage tank whose capacity exceeds one hundred (100) gallons unless said tank is directly online in and an integral part of the customer’s water service connection.

(2) **Stage 2: Prohibitions on Outdoor Uses of Water and/or Restrictions on When Outdoor Watering Is Permitted**

In addition to the provisions of Stage 1, which shall remain in effect during Stage 2, Stage 2 shall consist of such restrictions on outdoor uses of water as in the judgment of the General Manager are necessary to conserve the District’s water supply. Any or all of the following restrictions on water usage may be placed in effect in any order or in any combination by the General Manager during Stage 2:

- a. Prohibition of use of water for washing vehicles (cars, vans, trucks, busses, trailers, boats, etc.).
- b. Prohibition of use at any time of sprinkler devices for outdoor watering.
- c. Prohibition of use at any time of timer-activated automatic outdoor watering or irrigation systems.
- d. Prohibition of use of the public water supply to fill swimming pools, outdoor spas, or ornamental ponds whose capacity exceeds one hundred (100) gallons.
- e. Prohibition of outdoor watering on specified days of the week or month or during specified times of the day.
- f. Permitting outdoor watering only at specified times or on specified days or on a specified schedule, such as permitting outdoor watering on a schedule based on whether a property has an even-numbered or an odd-numbered street address.
- g. Requiring that any use of water outdoors be by handheld hose equipped with a positive activation and automatic shutoff mechanism or by watering can or container not exceeding five (5) gallons capacity.
- h. Prohibition of the use of the public water supply for any type of outdoor watering at any time, except that under unusual circumstances of unavoidable necessity and for the protection of public health and welfare, the General Manager may grant on a case-by-case basis permits for

specified uses of water outdoors while a general prohibition on use of the public water supply outdoors is in effect.

(3) Stage 3: Water Rationing

In the event the Board of Directors receives from the General Manager a recommendation that it is necessary to conserve an even greater portion of the public water supply than is achieved by implementation of Stage 2 restriction(s), the Board of Directors may impose mandatory water rationing throughout the service area of the Inverness Public Utility District Water System by adopting a Resolution activating mandatory rationing, as provided for in the District's most recently enacted Mandatory Water Rationing Ordinance. Said Resolution shall be adopted only after a public hearing at which consumers of the water supply shall have an opportunity to be heard to protest against the rationing proposal and to present their respective needs to the governing board. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code at least seven (7) days prior to the date of the hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

(g) Authorization to Implement Stages

- (1) The General Manager shall have authority to place Stage 1 in effect.
- (2) The General Manager shall have authority to place any or all of the restrictions of Stage 2 in effect, provided that within five (5) days of placing any Stage 2 restriction in effect the General Manager shall notify in writing each member of the Board of Directors of the circumstances which, in the General Manager's judgment, make it necessary to place said Stage 2 restriction or restrictions in effect, which notification to the Directors shall also be made available to the public. The Directors may, at a subsequent regular meeting or a duly called special meeting, rescind the General Manager's action placing any Stage 2 restriction(s) in effect.
- (3) Only the Board of Directors shall have authority to place Stage 3 (mandatory water rationing) in effect, as provided in subparagraph (f)(3) of this Regulation.
- (4) Upon adoption by the Board of Directors of a Resolution declaring a Water Shortage Emergency to be in effect, the General Manager shall devise and implement a program to inform the public of the applicable provisions of this Regulation, including the applicability of the restriction on new service connections in paragraph (e) above and whether or not the "deferred landscaping exception" in subparagraph (e)(4) above is in effect.
- (5) The General Manager shall devise and implement means of informing the public whenever a stage or restriction is placed in effect, whenever a change occurs in the applicability of the "deferred landscaping exception" in subparagraph (e)(4), and whenever a declared Water Shortage Emergency is ended. As appropriate, these outreach efforts shall include informing other governmental agencies, local Realtors, and others the General Manager has reasonable reason to believe have an interest in the District's Water Conservation Program.

(h) Enforcement

- (1) While Stage 1 or any Stage 2 restriction is in effect, the following penalties shall be applied in the event of a use of water that is in violation of a provision of this Regulation. Violations are cumulative only during the same duly declared Water Shortage Emergency.
 - a. First violation at a customer's service: An oral warning shall be issued upon detection of the violation, and a letter explaining the violation shall be mailed to the customer within seven (7) working days.
 - b. Second violation at the same customer's service: An administrative fine of one hundred dollars (\$100.00) shall be added to the customer's service account, and a letter explaining the violation and the fine penalty shall be mailed to the customer within seven (7) working days.

- c. Third violation at the same customer's service: An administrative fine of two hundred dollars (\$200.00) shall be added to the customer's service account, and a letter explaining the violation and the fine penalty shall be mailed to the customer within seven (7) working days.
 - d. Fourth violation at the same customer's service: The General Manager shall notify the Board of Directors and shall place on the agenda for the next duly noticed meeting of the Board of Directors for which an agenda has not yet been posted a public hearing to consider restricting or discontinuing water service to the property at which the violation occurred, and shall notify the customer of record for said property of the impending hearing at which the Board of Directors may take action to restrict or discontinue water service to the customer's property. The Board of Directors at such public hearing may, in its sole discretion, based on testimony received and findings of fact, place such restrictions on water service to the affected property as it deems in its sole discretion to be necessary to protect the public water supply, including but not limited to directing Water System staff to place a flow restricting device at the service's water meter or to discontinue water service to the property, pursuant to Section 356 of the Water Code of the State of California. The Board may set a period of time during which a flow restriction device will be in place or a period of time during which service will be discontinued, but no such restriction shall remain in effect past the date on which the declared Water Shortage Emergency is declared ended by the Board of Directors, except that any service restriction or discontinuance that is in effect shall remain in effect as long as any currently unpaid rates and charges assessed to the property for water service remain unpaid.
 - e. If at the time a violation is detected there is no responsible adult present on the premises, the customer's service connection shall be turned off and service shall be restored only upon payment of a service restoration charge of fifty dollars (\$50).
 - f. If at the time a violation is detected there occurs a refusal by the person or persons engaged in the violation to immediately cease the usage of water that is in violation of this Regulation, the customer's service connection shall be turned off and service shall be restored only upon payment of a service restoration charge of fifty dollars (\$50).
- (2) A customer charged with a violation of this Regulation may submit an appeal in writing to the Board of Directors within fourteen (14) days of notification of the violation. The Board shall conduct a hearing on the appeal at its next duly noticed meeting that is no fewer than ten (10) days subsequent to the date the appeal is received in the District office. An appeal must be accompanied by a deposit in the amount of the administrative fine in the case of an appeal of a second or third violation. If the Board sustains an appeal of a violation for which a service restoration charge was paid by the appellant, the service restoration charge shall be refunded to the customer. The decision of the Board of Directors on an appeal shall be final and binding.

(i) **Appeals**

Appeals of enforcement of provisions of this Regulation, other than as provided for elsewhere in this Regulation, may be submitted in writing to the Board of Directors, which Board shall conduct a public hearing on the appeal at its next duly noticed meeting that is no fewer than ten (10) days subsequent to the date the appeal is received in the District office. The Board shall grant, or partially grant, such an appeal only upon making findings that granting the appeal would resolve an inequity of enforcement, or is necessary to protect the general health and welfare of individuals or of the community, or is necessary to protect property and public safety; economic hardship shall not be considered to constitute grounds for granting an appeal from any requirement or provision of this Regulation. The Board of Directors shall not grant an appeal of any provision of paragraph (e) of this Regulation ("New Service Connections") when doing so would weaken or diminish the comprehensiveness of the moratorium on installation of new service connections in subparagraph (e)(1) (other than as provided for in subparagraph (e)(4)) or would expand the applicability of the exception in subparagraph (e)(4).

(j) **Exclusions**

Nothing in this Regulation shall limit or restrict any public agency engaged in providing emergency services from making any reasonable use of the water supply for purposes associated with the provision of emergency services. Nothing in this Regulation shall limit or restrict the Water System itself from using water in any manner or fashion or for any use it deems necessary in order to operate the Water System and maintain the public water supply.

Regulation 117: Adopted, July 2, 2001 (Ordinance 58-2001)

July 22, 2009: The reference in paragraph (f)(4) to Ordinance 82-1 as providing the mechanisms for imposing water rationing was superseded by Ordinance 78-2009, which provides mechanisms for water rationing that are to be enforced in the event of implementation of Stage 4.

December 16, 2020: Subsection (f)(1)a rewritten; reference in subsection (f)(4) to "Ordinance 82-1" updated to "Ordinance 78-2009." (Ordinance 98-2020)

June 23, 2021: Revised in its entirety.

Regulation 118

WATER CONSERVATION AND PROHIBITIONS ON WATER WASTAGE

(a) **Purposes**

The purposes of this regulation are to ensure that the water available to the customers of the District's Water System is used beneficially, to encourage the Water System's customers to embrace and support a water conservation ethic, and to establish that usage of water in a manner that wastes the District's water resources is prohibited.

(b) **Water Conservation**

Water conservation embraces policies, strategies, and activities to sustainably manage the natural resource of fresh water, to protect the hydrosphere, and to meet the current and future demand of our customers and our community. Water conservation is essential if we are to ensure that the District's water system is able to provide sufficient water for human consumption, sanitation, and fire protection. The reality is that Inverness has a fragile water supply that is wholly dependent on the day-to-day flows in a network of quite small streams. An awareness of good water conservation practices must be embraced by our customers and all our residents, all the more so as we transition into a time of climate change, rising sea level, and weather uncertainty. Maintaining our water system as an independent, self-sufficient entity means that we must master the art of living within our own resources and not becoming dependent on water imported from someone else's watershed. The key to accomplishing this is a commitment by the entire community to a vigorous protocol of water conservation practices.

(c) **Prohibitions on Water Wastage**

Customers shall not permit any water furnished by the District to be used for the following purposes, which uses are declared to be nonessential uses and to constitute violations of this regulation.

1. The washing of sidewalks, walkways, driveways, parking areas, and other hard-surfaced areas, including structures, by direct hosing when resulting runoff water flows directly to a gutter or storm drain, or otherwise off-site, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, to wash away spills that present a trip-and-fall hazard, or to prevent or eliminate materials dangerous to the public health and safety.
2. The escape of water as a result of any break or leak within a customer's plumbing or private distribution system for a length of time within which such break or leak should reasonably have been identified and stopped. It shall be presumed that a period of seventy-two (72) hours from the time the customer discovers such a break or leak or receives notice of a break or leak constitutes a reasonable length of time within which to stop the flow of water from the break or leak.
3. Irrigation in a manner or to an extent that allows more than an incidental amount of water to be deposited in or onto an area not intended to be irrigated or not capable of directly benefiting from a reasonable irrigation regime.
4. Decorative water fountains, ponds, or features that do not recycle water.
5. The direct washing of motor vehicles, boats, trailers or other vehicles, machinery, or structures with a hose that is not equipped with a positive-pressure activation nozzle.

(d) **Exempt Water Uses**

Water uses associated with the operation and maintenance of fire suppression equipment (including fire hydrant flushing), associated with fire suppression and fire prevention activities, and associated with District's water treatment and water quality maintenance, flushing, and sanitation operations shall be exempt from the provisions of this regulation. Use of water supplied by a private well or in the form of

recycled water, gray water, or rainwater utilization systems is also exempt from the provisions of this regulation, provided that such use does not violate regulations pertaining to water runoff pollution prevention requirements of the Marin County Stormwater Pollution Prevention Program or the requirements of any other agency whose jurisdiction is applicable.

(e) **Variances**

A customer of the Inverness Public Utility District Water System may make written application for a variance from any water usage restriction in this regulation, and shall describe in detail in said application the need for the variance and the specifics of the intended use of the water, including when and for how long the water is intended to be used. The General Manager may grant a variance only upon finding and determining that refusal to do so would cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or the public, or may result in an unnecessary and undue hardship on the applicant or the public, including (but not limited to) adverse economic impacts (such as loss of production or jobs). A decision by the General Manger on an application for a variance may be appealed to the Board of Directors by the applicant for the variance or by any member of the public in writing within 21 calendar days from the date of the General Manager’s decision, in which case the Board of Directors must conduct a de novo hearing on the application under appeal at its next regularly scheduled meeting that is at least 10 calendar days subsequent to the date the appeal letter to the Board of Directors is received at the District’s office. The decision of the Board of Directors shall be final and binding. Any grant of a variance that is approved by the General Manager and is then properly appealed as provided for herein shall be suspended until the decision on the appeal has been made by the Board of Directors.

(f) **Enforcement**

At the discretion of the General Manager, taking into account the circumstances and extent of the water wastage, some or all of the following actions may be taken:

1. Contact the customer or a person at the location of the water wastage by telephone and/or by electronic means (such as email, texting, etc.) about the water wastage violation and specify a timeframe for correcting the violation (including demand for immediate cessation of the water wasting activity if reasonably feasible).
2. Provide written notice to the customer of record by mail and by posting at the service location detailing the water wastage violation and providing a timeframe within which the violation must be corrected.
3. Install a flow-restricting device on the service line to the property where the violation has occurred, such device to remain in place until the General Manager determines that the violation has been corrected.
4. Levy a penalty charge on the customer account for the service at which the violation has occurred, such charge to be at the highest commodity rate then in effect for residential customers applied to the amount of water estimated by the District to have been wasted (such penalty charge to be separate from and in addition to the regular charges payable on the service location’s bimonthly water bill (or bills)).
5. Suspend water service to the service location by shutting the water meter (including padlocking the meter shut if the General Manager elects to do so) or by shutting a customer’s master water shutoff valve. This action may be instituted by and at the discretion of Water System personnel when the integrity of the Water System or the adequacy of the water supply would be threatened if the leak were to continue unabated. It may also be instituted by the General Manager in the event a customer has failed to repair a significant leak or has failed to otherwise eliminate or desist from a water wasting activity within 20 days of receiving written notice of the water wasting activity and of the violation. Service shall not be reactivated until the District has verified that the violation has been corrected and all outstanding charges, including any applicable penalty charges, have been paid in full.

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Regulation 118: 2023, August 23: Adopted (Ord. 111-2023)

**ELIGIBILITY FOR SERVICE
AND APPLICATION FOR SERVICE**

(a) **Account Holder**

For each service connected to the System, there must be at all times a “customer of record,” called the Account Holder.

(b) **Property Owner as Account Holder**

The System shall accept as Account Holders only owners of properties served by service connections. “Owner” as used herein shall mean one or any owner of record of a served property as shown on the Marin County Assessor’s Roll, a member of the immediate family of one or any of the owners of record, an attorney of record or holder of a current and valid power of attorney for one or any of the owners of record of a served property, or a California licensed real estate agent duly authorized by the owner of record of a property to manage the served property. “Immediate family” as used herein shall mean a parent, child, sibling, spouse, grandparent, or grandchild, whether full or half, whether by marriage relationship or blood relationship. In the case of a service for which the Account Holder on the date of effectiveness of this paragraph is not the property owner as herein defined, the account shall be maintained in the name of the existing Account Holder until (1) the owner of the property requests that the account be placed in the owner’s name, or (2) the Account Holder abandons the service or vacates the premises, or (3) any charges to the Account Holder become sixty (60) days past due (as defined in Paragraph (h) of Regulation 301). From such time as (1), (2), or (3) occurs, the property owner shall be responsible for the service and for all rates and charges, regardless of whether or not said owner submits an application for the service.

(c) **Application for Service**

Each Account Holder shall have on file with the System a signed Application for Service and Service Agreement which shall include the such customer information as the Account Holder’s name, mailing address, service location, Assessor’s parcel number, service commencement date, and such other reasonable relevant information as the District, the System, or the General Manager shall require. Such signed Application for Service and Service Agreement shall be on file with the System precedent to and as a condition of the applicant for service becoming the Account Holder and precedent to and as a condition of receiving water service except as provided for elsewhere in this Regulation. An Account Holder who is not the actual legal owner of record of the property serviced by the service connection shall also provide the name and mailing address of the legal owner of the property. In the absence of an Application for Service and Service Agreement for a service, the System may presume the Account Holder’s name and mailing address as listed on the Main County Assessor’s Roll.

(d) **Currency of Account Holder Information**

Each Account Holder shall notify the System of any change in Account Holder’s customer information as provided on the Application for Service and Service Agreement. Failure by an Account Holder to notify the System of a change in customer information shall not relieve the Account Holder of any obligations provided for herein.

(e) **Service Agreement**

Each applicant to become an Account Holder shall sign without reservation or amendment the Service Agreement, the wording of which shall include the Account Holder’s agreement to accept responsibility for

payment in timely manner of all correctly stated rates and charges assessed against the service and the account, and to abide by all Regulations of the Inverness Public Utility District Water System.

(f) Customers of Inverness Water Company

All services connected to the System on the date the District acquired ownership of the System from the Inverness Water Company shall be considered to have as their Account Holder the person whose name was provided to the District and the System by the Inverness Water Company as the customer of record, notwithstanding the absence in the System’s files of Applications for Service and Service Agreements from said Account Holders. All such Account Holders who have in any way drawn water from the System or otherwise utilized in a normal customer manner any product, facilities, or installations of the System on or subsequent to such date of acquisition are considered, de facto, to have executed a Service Agreement with the System and to be bound by the System’s Service Agreement and its Regulations.

(g) Assignment of Account

Under no circumstances may an Account Holder assign to any other party any of the responsibilities and obligations undertaken by signing the Service Agreement. The System shall not be obligated to maintain more than one (1) Account Holder name and mailing address for each account, nor to render statements, notices, or communications to any address other than the address most recently provided to the System by the Account Holder.

(h) Failure to Apply for Service

Anyone drawing water from the System without having made application for service and having been accepted by the System as an Account Holder shall be liable for all charges incurred at the service location since the date of the last meter reading at the service prior to the first instance of such unauthorized use of System facilities or water. The System shall charge for such unauthorized water drawn through the meter at treble the highest metered usage charge rate then provided for in the System’s schedule of rates and charges as set forth in Regulation 301.

(i) Absence of Account Holder

A service may be declared in Default if, after a period of thirty (30) consecutive days, there is no Account Holder on file (“Unclaimed Service”) or if the served premises has been abandoned by the Account Holder. The System shall make reasonable effort to identify and notify the owner of the property of the System’s intention to declare a service in Default.

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As Regulation 50: Adopted, October 17, 1985 (Ordinance 2-85)
Replaced in its entirety by Regulation 300, May 27, 1997 (Ordinance 44-1997)
As Regulation 300: Adopted, May 27, 1997, amending and replacing Regulation 50 (Ordinance 44-1997)

Regulation 301

RATES AND CHARGES

(a) **Basic Charge**

A Basic Charge shall be applied to each service connection, whether the service is actually or constructively installed. The Basic Charge shall be applied bimonthly for the periods of January-February, March-April, May-June, July-August, September-October, and November-December, and shall be billed in advance to each service connection customer concurrently with the billing for the immediately preceding period's metered usage charges. In the event of a change in the customer for a service connection during a stated bimonthly period, the Basic Charge for that period shall be prorated between the old and new customers on the basis of the number of days each customer was the customer of record.

(b) **Amount of Basic Charge**

Effective July 1, 2024, the amount of the bimonthly Basic Charge shall be One Hundred Sixty-three and 9/100s Dollars (\$163.09), except as the amount of the Basic Charge is modified for qualifying customers pursuant to the applicable provisions of Regulation 302, "Lifeline Program."

(c) **Metered Usage Charge**

Each metered customer connection shall be charged bimonthly for the amount of water drawn through the customer meter, as determined by reading the customer's meter. Such metered usage charge shall be based on the metered usage rates provided for in paragraph (d) of this Regulation. The bimonthly period for purposes of determining the metered usage charge shall be such that no bimonthly period consists of fewer than 45 days nor more than 75 days, and shall be as close to 60 days as is operationally practical. The ending date of each meter-reading period shall be such that statements are rendered to customers close to the last day of the bimonthly period for purposes of the Basic Charge provided for in paragraph (a) of this Regulation. Usage by a customer for less than a full bimonthly period shall be billed as if it represented the total usage for the bimonthly period.

(d) **Metered Usage Charge Rates**

The metered usage charge for all customers, unless provided for otherwise in this Regulation, for water usage measured in units of 100 cubic feet (ccf) or fraction thereof shall be calculated in accordance with the schedule shown below, this schedule of usage charge rates to become effective for any metered usage charge based on a customer water meter reading conducted on or after July 1, 2024:

Usage (ccf)	Residential service rate (per ccf)	Non-residential service rate (per ccf)
1 – 4	\$0.00	0.00
5 – 12	\$3.27	\$3.27
13 – 24	\$5.43	\$5.43
25 – 36	\$6.52	\$6.52
37 – 48	\$10.87	\$10.87
49 – 60	\$13.05	\$13.05
61 & up	\$30.45	\$13.05

A service's categorization as "Residential service" or "Non-residential service" shall be based on the prevailing use of the property served by a water service connection, as determined by the General Manager, whose determination may be appealed in writing to the Board of Directors; the determination by the Board of Directors shall be final and binding. In the case of a connection serving undeveloped property, the categorization as "Residential service" or "Non-residential service" shall be based on the intended usage of the property, based on the principal use of the property as determined by Marin County zoning.

(e) **Rates for Public Water Service from Publicly Owned Fire Hydrants**

No charge shall be made for water drawn from a publicly owned fire hydrant, standpipe, or similar device when such draw is for public, firefighting, emergency, or water system purposes and is by, under the direction of, or pursuant to authorization by firefighting or other emergency officials, or by, under the direction of, or pursuant to authorization by officials or employees of the Inverness P.U.D. Water System.

(f) **Rates for Private Water Service from Publicly Owned Fire Hydrants**

The rate for water drawn for private use from a publicly owned fire hydrant, standpipe, or similar device pursuant to a permit issued by the System shall be equal to the highest residential metered usage rate shown in Paragraph (d) of this Regulation. In the event such usage is not metered, usage shall be estimated by the System. The System may, at its sole discretion, require that a deposit be posted with the System in advance of any draw of water for private use from a publicly owned fire hydrant, standpipe, or similar device in an amount equal to the estimated total cost of the water anticipated to be drawn.

If a temporary line connection is made to a publicly owned fire hydrant, standpipe, or similar device pursuant to a permit issued by the System in order to convey water from the hydrant, standpipe, or similar device to the location of the private use, a Connection/Disconnection Charge of One Hundred Dollars (\$100.00) shall be payable in advance of installation of said connection. In addition to the charge for water drawn through such a temporary line connection, a connection device rental charge and water availability charge of Ten Dollars (\$10.00) per calendar day shall be assessed. The usage and rental/availability charges may be billed to the customer on a weekly, biweekly, monthly, or bimonthly basis, at the discretion of the system, and any such invoice shall be payable within 15 days of the invoice being rendered to the customer. The System shall provide only the connection at the hydrant, standpipe, or similar device; provision and installation of the temporary conveyance line shall be the obligation of the user, and such conveyance line must be approved by the System as adequate and in sufficiently good repair to accommodate the volume and pressure of the water to be conveyed.

(g) **Refused Payment Charge**

A charge shall be applied to the customer's account for each instance in which the customer's payment of any charges is refused by the customer's bank for any reason. The charge shall be Twenty-Five Dollars (\$25.00) as a handling and processing charge plus whatever, if any, is charged by the System's bank to the System for the bank's processing and handling of the returned payment.

(h) **Late Payment Charge**

A Late Payment Charge shall be applied to the account of any customer on whose account any invoiced charge has not been paid after sixty (60) days from the date of the invoice showing the charge. The Late Payment Charge shall be applied at such time that the System sends to the customer a Ten-Day Service Shutoff Notice. The amount of the Late Payment charge when the Ten-Day Service Shutoff Notice is issued shall be Thirty-Five Dollars (\$35.00). In the event the customer who received the Ten-Day Service Shutoff Notice does not respond, a Forty-Eight-Hour Service Shutoff Notice shall be issued and posted on the property and an additional Sixty-Five Dollars (\$65.00) shall be charged.

(i) **Special Meter Reading Charge**

A charge of Thirty Dollars (\$30.00) shall be applied to the account of a customer at such time that the meter serving the customer's service is read by System personnel at a time not regularly scheduled for a reading of the meter and pursuant to a request from the customer that the meter be read, except that this charge shall not be applied if the request that the meter be read is in conjunction with a change in the customer for the service connection, or if the request that the meter be read is in conjunction with the filing of a formal request for a testing of the accuracy of the meter, or if the request that the meter be read is in conjunction with the filing by the customer of a request for investigation of a disputed bill.

(j) **Account Setup Charge**

A charge of Fifty Dollars (\$50.00) shall be applied to the account of a new customer as a processing and setup charge to cover costs of changing the account from the previous customer to the new customer. Any customer-initiated change in customer information that necessitates assignment of a new account number shall be construed as constituting a change in the customer for purposes of application of this charge. This charge shall also be applied as a processing fee in order to place into effect an Authorization to Forward Statements. However, this charge shall not be applied to set up the account of the first customer for a newly installed service connection.

(k) Cross-Connection and Backflow Prevention Rates

In the case of a customer connection for which a “cross-connection condition” exists, as defined pursuant to Regulation 108, “Cross-Connection and Backflow Prevention,” of the Regulations of the Inverness Public Utility District Water System, the bimonthly charge provided for in Paragraph (o) of said Regulation 108 shall be as stipulated by the schedule shown below, effective July 1, 2023:

<u>Inspection Frequency</u>	<u>Charge (bimonthly)</u>
Annual	\$13.05
Semiannual	\$26.10
Quarterly	\$52.20
Monthly	\$156.60

(l) Automatic Annual Adjustment of Rates and Charges to Reflect the Change in the Consumer Price Index

The customer rates and charges specified below shall be adjusted in the years 2023, 2024, 2025, and 2026 effective with each year’s bimonthly billing for the period of July/August to reflect the ratio of change during the preceding calendar year in the Consumer Price Index for all Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward area (1982-1984=100) as published by the U.S. Department of Labor, U.S. Bureau of Labor Statistics, except that no annual change in the rates and charges shall exceed an increase of five percent (5%). This annual adjustment shall apply to the Basic Charge rates, the Cross-Connection and Backflow Prevention rates, the rates for Private Water Service from Publicly Owned Fire Hydrants, and the Metered Usage Charge rates (effective for any metered usage charge based on a customer water meter reading conducted on or after July 1 of the subject year).

(m) Fixed Charges

The aggregate of a customer’s Basic Charge and Cross-Connection and Backflow Prevention Charge, as applicable, constitutes the customer’s “fixed charges.” The components constituting the fixed charges need not be itemized separately on the customer water bills, but may be aggregated as the Fixed Charges.

- As Regulation 54: 1986, May 21: Adopted (Ordinance 5-86)
- 1988, March 21: Amended (Ordinance 12-88)
- 1988 July 11: Amended (Ordinance 17-88)
- 1988, November 21: Amended in its entirety (Ordinance 18-88)
- 1989, May 22: Fixed charges in Paragraph a amended (Ordinance 21-89)
- 190, June 18: Fixed charges in Paragraph a amended (Ordinance 25-90)
- 1991, May 20: Fixed charges in Paragraph a, metered usage charges in Paragraph c, and rate for fire hydrants system in Paragraph e amended (Ordinance 27-91)
- 1992, May 18: Fixed charges in Paragraph a and rate for fire hydrants system in Paragraph e amended, effective 7/1/92 (Ordinance 31-92)
- 1992, May 18: Fixed charges in Paragraph a amended, effective 9/1/92 (Ordinance 31-92)
- 1993, May 17: Fixed charges in Paragraph a amended and Paragraph e rewritten (Ordinance 34-93)

1993, July 19: Fixed charges in Paragraph a amended (Ordinance 36-93)
 1997, May 27: Replaced in its entirety by Regulation 301 (Ordinance 44-1997)

- As Regulation 301:
- 1997, May 27: Adopted (amending and replacing Regulation 54) (Ordinance 44-1997) [Conforms water rates to Proposition 218]
 - 1997, September 29: Basic Charge in Paragraph (b) and Usage Charge Rates in Paragraph (d) amended (amended Paragraph (b) to become effective January 1, 1998; amended Paragraph (d) to become effective November 1, 1997) (Ordinance 46-1997) [Reverts to pre-Prop. 218 tiered water rates]
 - 1998, June 15: Basic Charge in Paragraph (b) amended, to become effective Sept. 1, 1998 (Ordinance 49-1998)
 - 2001, July 2: Usage Charge Rates in Paragraph (d) amended (effective 7/1/2001), distinction between residential and non-residential usage rates introduced, and Account Setup Charge in Paragraph (j) increased from \$5.00 to \$10.00 (Ordinance 57-2001)
 - 2002, June 22: Usage Charge Rates in Paragraph (d) amended, effective 7/1/2005 (Ordinance 67-2005).
 - 2008, June 25: Basic Charge in Paragraph (b), Metered Usage Charge Rates in Paragraph (d), Returned Check Charge in Paragraph (g), Special Meter Reading Charge in Paragraph (i), and Account Setup Charge in Paragraph (j) amended, effective July 1, 2008 (Ordinance 72-2005).
 - 2009, June 24: Basic Charge in Paragraph (b), Metered Usage Charge Rates in Paragraph (d), Late Payment Charge in Paragraph (h) amended, effective July 1, 2009 (Ordinance 76-2009)
 - 2017 October 25: Basic Charge in Paragraph (b) and Metered Usage Charge Rates in Paragraph (d) amended, effective January 1, 2018 (Ordinance 87-2017).
 - 2019, May 22, Basic Charge in Paragraph (b), Metered Usage Charge Rates in Paragraph (d), and paragraph in Paragraph (d) on “A service’s categorization...” amended, effective July 1, 2019 (Ordinance 90-2019).
 - 2020: May 27: Basic Charge in Paragraph (b) amended, Metered Usage Charge Rates in Paragraph (d) amended, and Paragraph (k) on “Rates and Charges for Temporary Service” added, effective July 1, 2020 (Ordinance 93-2020).
 - 2021: November 17: Paragraph (b), “Amount of Basic Charge,” amended and Paragraphs (l), “Automatic Annual Adjustment of Rates and Charges to Reflect the Change in the Consumer Price Index,” (m), “Drought Surcharge,” and (n) “Fixed Charges” added, effective January 1, 2022 (Ordinance 104-2021).
 - 2023: May 24: Ordinance 110-2023 adjusted rates and charges effective July 1, 2023, to reflect 4.88% cost-of-living increase (Consumer Price Index) during calendar year 2022 (Basic Charge in Paragraph (b), Metered Usage Charge Rates in Paragraph (d), and Cross-Connection and Backflow Prevention Rates in Paragraph (k)); made minor changes in Paragraph (c) (Metered Usage Charge), first paragraph of Paragraph (f) (Rates for Private Water Service from Publicly Owned Fire Hydrants), Paragraph (h) (Late Payment Charge), Paragraph (i) (Special Meter Reading Charge), and Paragraph (l) (Automatic Annual Adjustment of Rates and Charges to Reflect the Change in the Consumer Price Index); changed “Returned Check Charge” in Paragraph (g) to “Refused Payment Charge”; deleted Paragraph (m) (Drought Surcharge); and modified and redesignated Paragraph (n) as Paragraph (m) (Fixed Charges).
 - 2024: May 21: Ordinance 113-2024 adjusted rates and charges effective July 1, 2024, to reflect 3.67% cost-of-living increase (Consumer Price Index) during calendar year 2023 (Basic Charge in Paragraph (b), Metered Usage Charge Rates in Paragraph (d), and Cross-Connection and Backflow Prevention Rates in Paragraph (k)).

Regulation 302

Lifeline Program

(a) **Policy**

The Board of Directors for the Inverness Public Utility District (District) recognizes that there may be customers of the District's water system who lack the financial resources to make timely payments of their water bills and maintain adequate funding for other critical expenses. It is the intent of the Board of Directors to establish a Lifeline Program that provides a mechanism for customers of a certain financial standing to qualify for a reduced rate for water service.

(b) **Lifeline Program Customer Qualifications**

A Lifeline rate may be applied to a water system customer account for a one-occupancy residential property whose Customer of Record qualifies for participation in the Lifeline Program, pursuant to the terms and conditions of this Regulation, as follows:

- Application must be made annually for participation in the Lifeline Program. Initial application may be filed at any time, and, if participation is approved, shall be for the period ending on the following June 30. An application for renewal (continuation in the Lifeline Program) must be filed between April 15 and May 31 for uninterrupted participation during the following year beginning on July 1.
- Applicant must be both the Customer of Record for the water service account at the situs for which a Lifeline rate is being requested and in full-time residence at the situs address for which a Lifeline rate is being requested.
- Applicant must provide a copy of the most recently filed IRS Form(s) 1040 or equivalent IRS Income Tax filing document(s), including all schedules and attachments, for all persons living at the service account situs for which a Lifeline rate is being requested. Said tax filing documents must be for the most recently preceding IRS tax filing year.
- Annual combined income from all sources of all persons living at applicant's service account situs for the tax year immediately prior to the period of Lifeline Program participation must be less than the most current published income threshold limits established by the U.S. Department of Housing and Urban Development (HUD) for either HUD Very Low Income Limit for Marin County or HUD Extremely Low Income Limit for Marin County.
- District may require applicant to provide documentation of the number of individuals in residence at the service account address.
- Upon initial application or renewal application for participation in the Lifeline Program, applicant must provide proof that applicant's water service situs is applicant's primary residence. Said proof shall consist of documentation from the County of Marin showing that the Assessor's Parcel for the water service situs listed as the applicant's residence address is the applicant's property and that it received a Homeowner Exemption in applicant's name for property taxation for the current (or most recent) secured property tax year.
- For a property that is held in a Trust, the IPUD water system Customer of Record shall be the person(s) holding the present beneficial interest in the Trust.
- Participation in the Lifeline Program shall be conditioned on applicant's written agreement to notify District at any time during participation in the Lifeline Program that applicant's entire household's combined annual income has increased above the set HUD Income Limit for the applicant's income tier. A participant in the Lifeline Program may not continue to participate in the Lifeline Program at an Income Level tier for which the applicant is no longer eligible due to a change in applicant's entire household's combined annual income or due to a disqualifying change in any other condition of participation.

- An applicant whose application for participation in the Lifeline Program is denied may appeal the denial to the Board of Directors within sixty (60) days of the date of the denial. All decisions of the Board on appeals are final.

(c) **Lifeline Program Rate Reductions**

An applicant who qualifies under section (b) to participate in the Lifeline Program shall be considered eligible for whichever of the following rate reductions is applicable:

- A qualified applicant whose entire household income is less than HUD's Very Low Income Limit shall be granted a fifty percent (50%) reduction in the normal per-billing-period basic rate charge.
- A qualified applicant whose entire household income is less than HUD's Extremely Low Income Limit shall be granted a seventy-five percent (75%) reduction in the normal per-billing-period basic rate charge.

(d) **Applicability of Regulations**

Except as provided for in this Regulation, all Regulations of the Inverness Public Utility District Water System shall apply to any service or request for service at a parcel that participates in the Lifeline Program.

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Regulation 302: Adopted, July 22, 2015 (Ordinance 84-2015) (Note: Ordinance 82-2015 adopting an earlier version of Regulation 302 was subsequently canceled.)

Discontinuation of Residential Water Service

(a) **Applicability**

This Regulation specifies the procedures for discontinuation of residential water service when payment by the residential customer of rates and charges becomes delinquent. This regulation shall apply, effective February 1, 2020, to all Inverness Public Utility District Water System customer accounts for water service connections that are classified by the System as “residential services.” Services whose rates and charges are determined pursuant to application of Rate Codes RN, RX, LV, and LX (or their equivalents) are deemed to be “residential services.” The provisions of this Regulation are intended to comply with Sections 116900 – 116926 in Chapter 6, “Discontinuation of Residential Water Service,” of Part 12, Division 104, of the Health and Safety Code (HSC) of the State of California, as well as with Sections 16482, 16482.1, and 16483 of Article 3, Chapter 4, Division 7 of the Public Utilities Code (PUC) of the State of California. Where provisions of one are duplicative of the other, compliance with one shall be deemed compliance with the other; where provisions are inconsistent, the provisions of the HSC shall apply.

(b) **District’s Policy on Discontinuation of Residential Service for Nonpayment**

The following provisions constitute the District’s policy on discontinuation of residential water service for nonpayment, pursuant to Sec. 116906 of the Health and Safety Code of the State of California:

1. Plan for deferred or reduced payments: The District offers deferred payment on the basis of a customer’s acceptance of an “alternative payment schedule,” as noted in No. 2 below. “Reduced payment” can be instituted pursuant to a customer’s qualification for participation in the District’s Lifeline Program (Regulation 302). Reduced payment may also be available by the customer making arrangements with an outside agency, such as West Marin Community Services or the Salvation Army, to make payment on the customer’s behalf.
2. Alternative payment schedules: The District offers an alternative payment schedule that shall be structured to ensure that all delinquent charges as well as all charges estimated to accrue over the subsequent six bimonthly billing periods will be paid in equalized monthly installments over a period of 12 months beginning on the date of initiation of the alternative payment schedule. The amount of the remaining monthly payment installments shall be adjusted from time to time by the District’s executive officer as necessary so that that total of all amounts in arrearage, the then-current charges, and the amounts that are estimated to accrue during the remainder of the alternative payment period will likely be paid in full by the end of the 12-month alternative payment period.
3. Mechanism for a customer to contest or appeal a bill: A customer may contest or appeal a bill by contacting the District’s executive officer (General Manager or Administrator) within 90 days of the date of the subject bill. Whenever a customer is contacted about payment of a bill that has become delinquent, an offer shall be made to discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.
4. Telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment: (415) 669-1414.

(c) **Availability of District's Policy on Discontinuation of Residential Service for Nonpayment**

The District's policy on discontinuation of residential water service for nonpayment, as enumerated in section (b) of this Regulation, shall be made available in English, in the languages listed in Section 1632 of the Civil Code, and in any other language spoken by at least 10 percent of the people residing the District's service area. The policy shall be made available on the District's Internet website, and it shall be offered to be made available in writing to any customer contacted by the District by telephone regarding discontinuation of residential service for nonpayment.

(d) **Discharge of a Delinquency in Payment of a Bill**

Charges become delinquent 19 days from the date of the mailing of the District's bill for the services. District strives to provide, at its option, a mailed "Reminder Notice" on or after 21 days of the date of the mailing of the District's bill for services. Formal notification that a payment has become delinquent is made by mailing to the customer a "Notice of Account Delinquency and Impending Service Termination," which shall occur not earlier than 42 days from the date of the bill for which payment has become delinquent and shall require payment of the delinquent charges within 15 days of the date of the notice (this is the so-called "10-day notice"). If charges remain delinquent after the payment date specified on the "Notice of Account Delinquency and Impending Service Termination," a "48-Hr Notice of Service Termination" is mailed no earlier than 60 days from the date of the delinquent bill; said 48-hour notice is provided by mail, by telephone call or electronic media if possible, and by posting at the served premises. No residential service shall be discontinued for nonpayment until a payment has been delinquent for least 60 days (which is 79 days from the date of the mailing of the District's bill for the services); however, once a 48-hour notice has been provided, all rates and charges that have accrued on the customer's account, whether or not yet delinquent, and which remain unpaid, become payable in full in order to prevent service discontinuation or in order to resume service to a discontinued service.

(e) **Petition to District's Executive Officer and Appeal of Executive Officer's Determination**

A customer may petition to the District's executive officer for a hearing on the accuracy of any charges billed to the customer. Such a petition must be filed with the District within 90 days of the date of the bill containing the contested charge or charges, or, if applicable, within the time period specified for filing an appeal that is included on any notice provided by the District of a payment that has become delinquent. The District's executive officer shall conduct such a hearing within 30 days of receipt of customer's petition for a hearing and shall issue a written decision within 14 days of the conclusion of the hearing. Within 30 days of the date of the executive officer's written decision, the customer may appeal the executive officer's decision to the Board of Directors by submitting a written appeal in letter format addressed to the executive officer. Upon receipt of such an appeal to the Board of Directors, the executive officer shall place the appeal on the agenda for the next regular meeting of the Board of Directors that is at least 12 calendar days from the date of the District's receipt of the customer's written appeal. The decision of the Board of Directors upon hearing and considering the appeal shall be final and binding. The District shall not take any action to discontinue service to a subject service once a petition for a hearing or an appeal to the Board of directors has been filed and until the petition or appeal has been resolved.

(f) **Incorrectly Calculated or Assessed Charges**

The District's executive officer shall adjust any charges billed to a customer that investigation determines were incorrectly calculated or assessed. If such investigation is undertaken in response to a petition from a customer for bill review, the executive officer shall conduct a hearing within 30 days of receipt of customer's petition for a hearing and shall issue a written decision within 14 days of the conclusion of the

hearing. Within 30 days of notification to the customer of the executive officer’s determination, the executive officer’s decision can be appealed by the customer to the Board of Directors, pursuant to the procedure in subsection (e) of this Regulation. In the event that adjustment of billed charges to a customer’s account results in a credit balance in the customer’s account and said credit balance is in excess of \$150, the District shall, at the request of the customer, issue a refund to the customer in the amount of the credit balance.

(g) Annual Report on Number of Discontinuations of Residential Service

The Water System shall report to the Board and shall post on the District’s Internet website the number of annual discontinuations of residential service for inability to pay.

(h) Miscellaneous Provisions

The provisions of Section 116916 of the Health and Safety Code shall apply to discontinuation of water service when there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

The provisions of Sections 116910 shall apply to discontinuation of water service in the event such discontinuation would be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises.

The provisions of Section 116914 shall apply to discontinuation of water service to a residential customer who demonstrates household income below 200 percent of the federal poverty level.

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Regulation 303: Adopted, December 18, 2019 (Ordinance 92-2019)

Discontinuation of Non-Residential Water Service

(a) **Applicability**

This Regulation specifies the procedures for discontinuation of non-residential water service when payment by the non-residential customer of rates and charges becomes delinquent. This regulation applies to all Inverness Public Utility District Water System customer accounts for water service connections that are classified by the System as “non-residential services.” Services whose rates and charges are determined pursuant to application of Rate Codes CN and CX (or their equivalents) are deemed to be “non-residential services.” The provisions of this Regulation are intended to comply with Sections 16482, 16482.1, and 16483 of Article 3, Chapter 4, Division 7 of the Public Utilities Code (PUC) of the State of California.

(b) **Discharge of a Delinquency in Payment of a Bill**

Charges become delinquent 19 days from the date of the mailing of the District’s bill for the services. District strives to provide, at its option, a mailed “Reminder Notice” on or after 21 days of the date of the mailing of the District’s bill for services. Formal notification that a payment has become delinquent is made by mailing to the customer a “Notice of Account Delinquency and Impending Service Termination,” which shall occur not earlier than 42 days from the date of the bill for which payment has become delinquent and shall require payment of the delinquent charges within 15 days of the date of the notice (this is the so-called “10-day notice”). If charges remain delinquent after the payment date specified on the “Notice of Account Delinquency and Impending Service Termination,” a “48-Hr Notice of Service Termination” is mailed no earlier than 60 days from the date of the delinquent bill; said 48-hour notice is provided by mail, by telephone call or electronic media if possible, and by posting at the served premises. No service shall be discontinued for nonpayment until a payment has been delinquent for least 60 days (which is 79 days from the date of the mailing of the District’s bill for the services); however, once a 48-hour notice has been provided, all rates and charges that have accrued on the customer’s account, whether or not yet delinquent, and which remain unpaid, become payable in full in order to prevent service discontinuation or in order to resume service to a discontinued service.

(c) **Petition to District’s Executive Officer and Appeal of Executive Officer’s Determination**

A customer may petition to the District’s executive officer for a hearing on the accuracy of any charges billed to the customer. Such a petition must be filed with the District within 90 days of the date of the bill containing the contested charge or charges, or, if applicable, within the time period specified for filing an appeal that is included on any notice provided by the District of a payment that has become delinquent. The District’s executive officer shall conduct such a hearing within 30 days of receipt of customer’s petition for a hearing and shall issue a written decision within 14 days of the conclusion of the hearing. Within 30 days of the date of the executive officer’s written decision, the customer may appeal the executive officer’s decision to the Board of Directors by submitting a written appeal in letter format addressed to the executive officer. Upon receipt of such an appeal to the Board of Directors, the executive officer shall place the appeal on the agenda for the next regular meeting of the Board of Directors that is at least 12 calendar days from the date of the District’s receipt of the customer’s written appeal. The decision of the Board of Directors upon hearing and considering the appeal shall be final and binding. The District shall not take any action to discontinue service to a subject service once a petition for a hearing or an appeal to the Board of directors has been filed and until the petition or appeal has been resolved.

(d) **Incorrectly Calculated or Assessed Charges**

The District’s executive officer shall adjust any charges billed to a customer that investigation determines were incorrectly calculated or assessed. If such investigation is undertaken in response to a petition from a customer for bill review, the executive officer shall conduct a hearing within 30 days of receipt of customer’s petition for a hearing and shall issue a written decision within 14 days of the conclusion of the hearing. Within 30 days of notification to the customer of the executive officer’s determination, the executive officer’s decision can be appealed by the customer to the Board of Directors, pursuant to the procedure in subsection (c) of this Regulation. In the event that adjustment of billed charges to a customer’s account results in a credit balance in the customer’s account and said credit balance is in excess of \$150, the District shall, at the request of the customer, issue a refund to the customer in the amount of the credit balance.

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Regulation 304: Adopted, December 18, 2019 (Ordinance 92-2019)

Regulation 305

SERVICE DEFAULT, SUSPENSION, AND ABANDONMENT

(a) **Purpose of Regulation**

This Regulation defines service default, service suspension, and service abandonment; defines the circumstances under which the account for a customer service may be declared to be in default status, suspension status, or abandoned; and provides the procedures for declaring a service's account to be in default, suspension, or abandoned.

(b) **Definitions**

- “Default” is when there is no known customer of record (“account holder”) for the account of a customer service. This status occurs most commonly when a property served by the Water System has been sold, the existing account holder has notified the District of the sale and requested closure of the existing account, and no one has contacted the Water System to apply as the account holder for the customer service. It can also occur when an existing account holder cannot be contacted by any of the means of contact provided by the account holder that are currently on file with the District.
- “Suspension” is when service to the property served by a customer account has been discontinued for nonpayment of charges and such discontinuation has been in effect for at least 92 days without the customer of record having discharged the delinquency or having entered into a plan with the District for deferred or reduced payments or an alternative payment schedule, or, having entered into a plan with the District for deferred or reduced payments or an alternative payment schedule, the customer has failed to fulfill the terms of the plan.
- “Abandoned” is when, after the account for a customer service has been in suspended status for at least one year, the District’s Board of Directors has made a finding that the customer service for the property has been abandoned. Once a service has been declared by the District’s Board of Directors as abandoned, the served parcel is considered to no longer be connected to the Water System’s facilities (re-establishment of water service to the parcel requires an application for a New Service Connection).

(c) **“Default” Status Procedure**

The General Manager may declare a service’s customer account to be in default status when the District has been unable to contact anyone associated with the property served by the customer account for a period of 30 consecutive days and a notice of intention to terminate water service has been posted prominently at the property for a minimum of 14 days. In the case of the account for an existing customer, attempts to contact the customer must have been made using all means of contact provided by the customer and on file with the District (such as mail address, email address(s), phone number(s), in-person contact at the served premises). Service to a property whose customer account is on default status may not be discontinued pursuant to the provisions of Regulation 303 or 304 so long as no rates and charges have become delinquent. If rates and charges assessed to the account of a service that is on default status become delinquent as provided in Regulation 303 or 304, discontinuation of the water service may be initiated pursuant to the provisions of Regulation 303 or 304.

(d) **“Suspended” Status Procedure**

The General Manager may declare a service’s customer account to be in suspended status if (1) 92 days have elapsed from the date a “48-Hr Notice of Service Termination” was provided to the service’s account holder pursuant to the procedure in Paragraph (d) of Regulation 303 in the case of a residential service or

Paragraph (b) in Regulation 304 in the case of a non-residential service, and (2) the customer of record has not discharged the delinquency or has not entered into a plan with the District for deferred or reduced payments or an alternative payment schedule, or, having entered into a plan with the District for deferred or reduced payments or an alternative payment schedule, the customer has failed to fulfill the terms of the plan. The meter to a property served by an account that has been placed on suspended status must be shut off or otherwise disabled from capability to provide water to the property. When an account is placed on suspended status, the Water System shall place the customer account on “Inactive” status in the receivables system so that no further rates and charges will be booked to the suspended customer account; however, the General Manager shall maintain a record of the rates that charges that would have been posted to the customer account had it remained on “Active” status, and all such noted rates and charges, plus the rates and charges outstanding at the time the account was placed on “Inactive” status, must be paid in full as a condition of discharging the delinquency, cancelling the suspended status, and re-activating the existing service to the property.

(e) **“Abandoned” Status Procedure**

After a customer account has been on suspended status without interruption for one year, the General Manager may initiate the procedure for the District’s Board of Directors to find that the customer service for the property served by the customer account that is on suspended status has been abandoned. A notice of a public hearing before the District’s Board of Directors to consider making a finding of abandonment shall be provided by all of the following means: (1) by mail to the last known mailing address for the customer account, said notice to be placed with postage prepaid in the USPS mail at least 30 days prior to the date of the public hearing; (2) by posting at a prominent location at the situs address, said posting to be made at least 30 days prior to the date of the public hearing; (3) by legal notice published on three occasions at intervals of at least one week in a newspaper of general circulation in the District, said third such notice to be published at least six (6) days prior to the date of the public hearing.

The public hearing on abandonment must be conducted at a duly noticed meeting of the Board of Directors of the Inverness Public Utility District, at which time any member of the public wishing to address the Board of Directors on the matter of abandonment of the customer service shall be afforded an opportunity for a reasonable period of time to make a statement and to submit documentary evidence relevant to the issue of the proposed finding of abandonment of the customer service for the subject property. Following the public hearing, the Board of Directors shall review the public record, consider all testimony and evidence that has been submitted, and make a determination either supporting or not supporting a finding of abandonment of the customer service for the subject property. Alternatively, the Board may issue a conditional finding that the customer service has not been abandoned in exchange for an agreement with an interested party for payment in full within thirty (30) days of all rates and charges that are outstanding, including rates and charges that accrued during the period the customer account was on suspended status, plus a penalty equal to ten percent (10%) of the total of all rates and charges that are payable, plus the District’s employee time, materials, and overhead costs of re-establishing service to the property. Such a conditional finding of the Board of Directors shall include a clause that states that a failure to discharge the agreed-upon obligation in full within the stated 30-day period shall nullify the conditional finding that the customer service has not been abandoned and place in effect in its place a finding that the customer service has been abandoned. The determination of the Board of Directors shall be final and binding.

In the event of a finding of abandonment, the water meter shall be removed, the service lateral from the District’s distribution main shall be capped, and the subject property shall be officially regarded as not served by the Inverness Public Utility District Water System. Any subsequent request for water service to

the subject property shall be processed in accordance with the requirements for a New Service Connection in Regulation 101.

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Regulation 101: Adopted, May 27, 2020 (Ordinance 95-2020)

PART B
EXTENSION AND CONSTRUCTION OF
WATER DISTRIBUTION FACILITIES

REGULATION 20
WHEN EXTENSION OF WATER DISTRIBUTION SYSTEM REQUIRED

Extension of the District's water distribution system, including, without limitation, mains, storage tanks, pumps and pumping stations, fire hydrants and appurtenances, shall be constructed to serve new consumers whose lands do not have direct access to or do not abut a street or easement containing an adequate distribution main supplied from adequate pumping or storage facilities. Property with direct access to a street or easement containing an adequate distribution main, but which does not have a major frontage on the street or easement, will be served at such street or easement provided that such property and adjacent properties cannot be further subdivided or developed.

REGULATION 21
FACILITY SIZE AND DESIGN

All extensions of the District's water distribution system shall be designed by the District or by engineers approved by the District, and constructed in accordance with the District's plans and specifications, including installation (at Extendor's expense) of standard steamer fire hydrants at locations specified by the District.

REGULATION 22
PAYMENT FOR DISTRIBUTION FACILITIES

a. Payments by Extendor

The applicant for water service shall:

- (1) Pay all costs of designing and constructing such extensions of the District's water distribution system as are required by Regulation 21,
- (2) Install, or pay the District's cost of installation, of all service lines, and
- (3) Pay the initial charge for water service pursuant to Regulation 101.

b. Costs of Main Extensions

The cost of a main extension is borne entirely by the person applying for the extension (the Extendor). In those situations where the Extendor does not own all of the lands adjacent to the extension, a pro-rata share of the cost may be allocated to and later collected from those adjacent

landowners who may be served in the future and whose lands are not owned by the Extendor, in the following manner:

- (1) Determining the buildout potential for all lands fronting on the new main to arrive at the potential number of lots and possible future connections.
- (2) Dividing the cost of the extension of the main by the total number of potential connections.
- (3) Requiring that during a period of ten years after completion of the extension future applicants, other than Extendor, pay the District an amount equal to the pro rata which will then be remitted to the Extendor.

The pro rata payment would not be required in cases where an existing customer served by an existing main is connected to the extension for the convenience of the District.

c. District's Payment of Oversizing

The District may in its discretion pay that portion of the costs of extending its distribution system referred to in Regulation 22a equal to the difference in cost between the size required by the Extendor's development and the size that the District requires under its long-range master plans when all the following conditions are present:

- (1) The main to be extended replaces a presently inadequate distribution pipeline,
- (2) The location of the facility to be constructed is one of those described in the future plans of the District as may be developed and amended from time to time, and
- (3) The Board of Directors has determined that it is within the District's financial ability to finance its share of the improvement.

REGULATION 23

LAND, EASEMENT AND RIGHTS OF WAY

a. Requirement for District Ownership

All extensions of the District's distribution system shall at all times be the property of, and be controlled by, the District. District facilities shall be

located only in dedicated or accepted public streets or rights of way or within easements owned by the District.

b. Time and Cost of Acquisition

No facilities will be constructed until all rights of way, easements and facility sites as required by the District shall have been conveyed to the District at the sole cost and expense of the Extendor. In the event such rights of way, easements or lands are not conveyed by the Extendor, the Extendor shall pay the District its entire cost of acquisition thereof, including appraisers' fees, escrow charges, title insurance premiums and legal expenses.

REGULATION 24

PRELIMINARY PLANNING AND COST ESTIMATES

a. Information Necessary for Estimate and Planning

Upon request, made on form supplied by the District, the District will prepare a written estimate and preliminary plan of extension or modification of water service. The request must be accompanied by a detailed plan showing the area of proposed service, the proposed water demand, the name and address of the owner, developer and engineer of the project or development and other project information as may be required by the District. To the extent that they are available, the developer shall supply the District with all master plans, estimates of future water requirements and details of building construction for the purpose of designing the fire protection elements of the water system.

b. Cost of Preliminary Engineering Work

The cost of preliminary engineering and planning shall be included as part of the cost of extending service except that, in the event the cost of preparing an estimate exceeds \$100.00, the District will require payment therefor which payment shall become due and payable upon presentation of a bill for same to the applicant. Should the District determine that the cost of preparing an estimate and accomplishing other engineering and planning work can reasonably be expected to exceed \$500.00, the applicant shall be required to execute and advance funds for same pursuant to the District's usual form of agreement for this purpose.

c. Preparation of an estimate or any other preliminary engineering and planning work undertaken by the District in connection with the applicant's proposed project is not to be interpreted by the applicant as a commitment or agreement by the District, partial or otherwise, to serve

water. Said commitment will be made only at the time service actually commences or when the District executes a service Extension Agreement, whichever shall first occur. In the case of a service Extension Agreement, the commitment of the District to supply water shall be limited to the number of connections to be installed pursuant thereto and in accordance with the terms thereof.

REGULATION 25

EXTENSION AGREEMENT

After the preparation of preliminary cost estimate and plans pursuant to Regulation 24 and at the time he desires to secure a commitment of water service and proceed with construction, the applicant shall submit a written application for service pursuant to Regulation 101. Upon applicant meeting all requirements, the District shall prepare an Extension Agreement. The agreement shall specify the terms of payment, estimated cost of extension, requirements for easement or property, special service conditions and other details.

REGULATION 26

(Deleted by Resolution 8-5, January 28, 1980)

REGULATION 27

CONSTRUCTION BY DISTRICT

Subject to the rights of the Extendor as set forth in Regulation 28, the District will construct extensions of its water distribution system. Such work will be performed by the District's personnel or by private contract as determined by the District. Such work will be commenced only after the Extendor has executed an Extension Agreement, advanced the total estimated cost of all facilities, paid all charges as required by Regulation 101, and provided easements as required by Regulation 23.

REGULATION 28

CONSTRUCTION BY EXTENDOR

a. Right of Extendor to Construct

The Extendor may, if he elects, construct extensions to the District's water distribution system, with materials specified by the District, provided, however, the District reserves the right to construct, with its own personnel or by private contract, any of the following:

- (1) Pumping plants, storage facilities and main transmission lines,
- (2) Small extensions, and
- (3) Extensions involving complicated connections to, or interference with, the District's existing facilities.

b. Conditions

Construction by the Extendor shall be subject to each of the following conditions:

- (1) Prior to commencement of construction the Extendor shall execute an Extension Agreement, advance all costs of materials to be furnished and work to be performed by the District, pay all charges as required by Regulation 23 and furnish the District with a corporate surety performance bond satisfactory to the District in an amount equal to 100% of estimated cost of the construction by the Extendor.
- (2) All work shall be performed by a competent and experienced contractor licensed for underground construction and with experienced laborers.
- (3) All work shall be performed in a good, workmanlike and safe manner and in accordance with the plans and specifications of the District, under its inspection, and to the satisfaction of its Chief Engineer. Risk or loss or damage to materials shall be borne by the Extendor until the facilities constructed are accepted by the District.
- (4) All facilities shall be maintained by the contractor that installed the same for one year, or such longer period as shall be specified by the District, following the acceptance thereof by the District.
- (5) The Extendor shall indemnify and hold the District, its officers, directors, employees and agents harmless from any liability,

arising out of or in any way connected with, such work done by, or on behalf of, the Extendor, his employees, agents or contractors.

REGULATION 29

(Deleted)

REGULATION 30

(Deleted)

REGULATION 31

**RELOCATION NECESSARY TO ACCOMMODATE CONSTRUCTION,
WIDENING OR RELOCATION OF STREETS AND ROADWAYS**

The District will relocate or reconstruct existing facilities to accommodate construction, widening or relocation of streets and roadways and will release easements no longer considered useful to the District on the following conditions:

- (1) The entire cost of the relocation or reconstruction shall be paid by the party requesting the same.
- (2) The new location is such that it will not in the opinion of the District be subject to future relocation.
- (3) There shall be conveyed to the District without cost such easements or rights of way for new facilities locations as the District shall consider necessary.

REGULATION 32

**RELOCATION REQUIRED BY IMPROVEMENTS
CONSTRUCTED UNDER ASSESSMENT PROCEEDINGS**

This District will not bear any part of the cost of any relocation or alteration of its facilities made necessary by the improvements undertaken pursuant to improvement act or other assessment proceedings. The public agency undertaking such proceedings shall make arrangements with the District for any such relocation or alteration of the District's facilities which work will not be performed by the District until after it receives satisfactory guarantees of reimbursement of its full actual costs. The amount of said costs shall be paid to the District promptly after they are ascertained. The public agency shall furnish the District with such plans, specifications, surveys, drawing and time schedules related to the improvement work as shall be necessary to enable the District conveniently and efficiently to effect necessary relocation or alteration of its facilities.

REGULATION 33

**RELOCATION REQUIRED BY CONSTRUCTION
OF PUBLIC DRAINAGE WORKS**

The District will at its own expense undertake reasonable and normal relocation of its water distribution lines as required by routine drainage projects undertaken by a public agency. Extensive relocation of water distribution lines or relocation of a major transmission line, pumping station, regulating structure and appurtenances, will be undertaken by the District only on a cost-sharing basis mutually satisfactory to the District and the public agency undertaking the drainage project.

REGULATION 34

**REGULATION REQUIRED BY THE CONSTRUCTION
OF UNDERGROUND OR OVERHEAD UTILITIES**

The District will not bear any part of the cost of relocating or altering any of its facilities to accommodate the construction of publicly or privately owned gas lines, telephone and electric cables, sanitary sewers, or other underground or overhead utilities. The District will undertake such relocating or alteration of its facilities only after the District's cost thereof is paid to the District, or such payment is guaranteed to the District's satisfaction.

REGULATION 35

DETERMINATION OF CONSTRUCTION COSTS

The District shall determine its actual cost of all extensions. Costs shall include labor, materials, overhead, engineering, and legal and administrative expenses allocable to such work.

If the actual cost of such work should exceed the amount paid to the District therefor, the District will invoice the Extendor for the excess. If such invoice is not paid promptly, the District shall have the right to refuse water service through such facilities or to said Extendor.

In the event the actual cost of such facilities is less than the amount advanced to the District, the District will promptly refund such difference.

REGULATION 36

INSTALLATION OF SERVICE TO PRIVATE FIRE PROTECTION SYSTEMS

The installation of facilities to provide water supply to privately owned and maintained systems to sprinklers, hydrants, stand-pipes or other facilities exclusively for fire fighting, shall be done in accordance with the procedures for extension of water distribution facilities.

Each fire protection service shall be installed with a detector check assembly designed by the District. The assembly shall be operated and maintained as part of the District's system. The applicant for a private fire protection service shall be responsible for operation and maintenance of facilities beyond the assembly and for payment of the rates set forth in Regulation 54c.