

# **LA HABRA HEIGHTS COUNTY WATER DISTRICT**

## **Rates, Rules and Regulations**

### **Section 1 - Authority**

The La Habra Heights County Water District ("District") is organized under the provisions of the California Water Code sections 30000 et. seq. Section 31024 of the Water Code allows District to establish rules and regulations. Water Code, Section 31025 provides that District shall fix and collect through its General Manager the water charges.

### **Section 2 – Purpose and Scope**

These Rates, Rules and Regulations set forth District's regulations pertaining to water service from the District to its customers; rates, fees and deposits to cover water costs; customer payment and related issues; regulations for water use and water facility construction; and other regulations pertaining to the interaction between District and its customers.

### **Section 3 - General**

The General Manager, under the direction of the Board of Directors, shall manage, control and operate the District's water system. The General Manager shall have the power to collect the fees and charges and enforce all rules and regulations of the District concerning the District's water system and the distribution of water there from. These rates, rules and regulations make provisions under which the customers of the District may obtain water service from the District.

The Board of Directors shall have the right and power, from time to time, to alter, amend, change and make supplements to these rates, rules and regulations, by resolution duly entered upon its minutes.

### **Section 4 - Application for Service**

Before water shall be supplied to any land or property within the District, the owner thereof or prospective user of such water shall first make application to the District for water service upon forms provided by the District.

All applicants for service connections or water service are required to accept such conditions of pressure and service as are provided by the distribution system of the District at the location of the proposed service connection, and to hold the District harmless for any damage arising out of low pressure or high pressure conditions or interruptions in service.

Application to the District for water service will signify the customer's willingness and intention to comply with these Rates, Rules and Regulations relating to regular water service provided by the District. The applicant also agrees to make payment for all water furnished by the District, as herein provided, and at the applicable rates fixed and revised by the Board of Directors.

An application for water service will not be considered by the District unless payment in full has been made for water service previously rendered to the applicant by the District. The application is subject to staff review and may be held in abeyance if further District requirements need to be met.

Any person taking possession of premises and using water from an active service connection without having made application to the District for water service shall be held liable for the water delivered from the date of the last recorded reading, and if the meter is found inoperative, the quantity consumed will be estimated by the District and charged to the user. If proper application for water service is not made upon notification to do so by the District, the service will be discontinued by the District without further notice.

All applicants for water service shall agree that all plumbing fixtures used in construction of dwelling shall be low usage water devices.

### **Section 5 - Notices**

Notices from the District to a customer will normally be given in writing, and either delivered, emailed, text or mailed to the customer at the last known email, cell phone number or address. Where conditions warrant and in emergencies, the District may, in addition to using the aforementioned delivery options, resort to notification either by telephone or messenger.

Notice from the customer to the District shall be given by that customer or by an authorized representative in writing, at the District's office located at:

1271 North Hacienda Road  
La Habra Heights, California 90631  
OR  
P.O. Box 628  
La Habra, California 90633-0628

It is the customer's responsibility to supply the District with the latest mailing address and telephone number or the address where bills are to be mailed and telephone number where customer can be reached.

### **Section 6 - Water Billing and Payments**

Water meters shall be read as close to monthly as is possible and practicable, and the District will mail to each customer a bill for the preceding month. All bills or charges shall be due and payable at the office of the District, upon presentation. Failure to receive a bill does not relieve the customer of responsibility for payment.

When payment for bills is not received in the District office on or before the 25th day after presentation the bills will become delinquent. When bills become delinquent a late charge will be added to the next bill, unless the customer has made prior arrangements with the District.

When the late charge has been added to the delinquent account, and the next regular bill is mailed, the customer shall be given notice of the need to pay the delinquent amount and to pay the late charge or to present an appeal as to why payment should not be made. Absent payment of the delinquent amount and the late charge and absent the presentation of an appeal water service will be restricted in accordance with the provisions and procedures set forth in Section 36, below. District office may waive one late fee in a twelve-month period.

If a customer will be absent from their residence for an extended period of time, e.g., due to vacation or business (for any reason), the customer should consider notifying the District office so there will be no water service discontinuance for non-payment of bills. Also, the customer may consider making a deposit for the estimated bills accruing during absence.

In case any house becomes vacant, the regular rates shall be charged and collected from the person who has applied for the water to be furnished to said house. Whether the water is used or not, unless the District is notified in writing that the property is unoccupied and a request to turn off water thereto has been received by the District, charges will continue to accrue.

### **Section 7 - Readiness-to-Serve Charge**

There shall be a monthly readiness-to-serve charge for each meter in service. The monthly charge will be based upon the size of the meter installed.

Where the use of water is seasonal or intermittent, no adjustment will be made for any temporary disconnection of the meter. Any customer resuming service on any such meter within 12 months after it was disconnected will be required to pay the charges which would have been billed as if the temporary disconnection had not been made.

If a new customer applies for water at a temporary disconnected service they will be required to pay the charges from the start of service date indicated on water service application.

Where water service is provided, the water pressure at the meter is below 20 psi at the meter, and a larger meter had to be set to insure an adequate delivery of water, the readiness-to-serve charge will be reduced to that corresponding to the next lower size, but in no case less than the smallest sized meter available.

### **Section 8 - Costs of Downsizing Meters**

Whenever a customer, who wishes to lower the monthly readiness-to-serve charge on the customer's bill, requests that the meter be downsized to a smaller meter, the General Manager shall do as requested, provided:

If the meter is a 2-inch, or smaller, the meter shall be downsized, one time only, at no cost to the customer. If a customer request that the meter be downsized an additional time, the additional downsizing costs shall be paid by the requesting customer, and;

If the meter is larger than 2-inch, the customer shall pay all costs associated with the downsizing, and;

Said customer shall advance to the District the General Manager's estimate of the downsizing costs. No interest will be paid on deposits held by the District.

If the customer finds that the downsized meter does not provide satisfactory service, the customer shall pay all costs to reinstall a larger meter.

### **Section 9 - Usage Rate**

In addition to the readiness-to-serve charge, there shall be a water usage rate. This charge shall be based upon the volume of water delivered to a particular property since the prior water billing. The volume of water billed shall be in units of one hundred (100) cubic feet, equaling 748 gallons. The usage rate shall be for the appropriate water system zone that provides service to each property.

Once in Lifetime Credit – When a customer has unusually high consumption for any reason they may request the District to calculate and credit their account with a Once in Lifetime Credit. It will be calculated by using the past five-year average of the customer account usage for the same month. If there is not five years of data may use past usage of prior customer for the property. The difference between the five year average and current month usage, divided by two, represents the usage that will be credited to the customer's account.

### **Section 10 - Rates and Fees**

Rates and charges for water and water service shall be as fixed and determined by the Board of Directors and may be revised from time to time by way of resolution. The current Rates and Fees are attached hereto as Exhibit "A." A copy of the applicable Rates and Fees shall be available for inspection by all customers upon request.

### **Section 11 - Rates Charged for Customers Outside District**

Rates charged for water used outside District boundaries will be charged at the existing readiness-to-serve charge for each size meter. Water usage will be charged at one and one half (1-1/2) times the rate charged for water used within District boundaries for the appropriate water system zone.

### **Section 12 - Meter Certification**

Any customer may demand that the meter through which water is being furnished be examined and tested by the District for the purpose of ascertaining whether or not it is registering correctly the amount of water which is being delivered through it. Such demands shall be in writing to the General Manager and shall be accompanied by a meter certification fee as specified in Exhibit "A" attached hereto. Upon receipt of such demand, it is the duty of the General Manager to cause the meter to be examined and tested. This duty is only triggered once per

year for any given parcel. If, upon such examination and test, the meter shall be found to register over five percent (5%) more water than actually passes through it, another meter shall be substituted. The meter certification fee shall be repaid to the person making the application and the water bill for the current month shall be adjusted in such manner as the General Manager shall deem fair and just. If a displacement or multi-jet meter is found to register not over 102 percent (102%) fast, propeller and turbine meter is found to register not over 103 percent (103%) fast and compound and fire service meter is found to register not over 104 percent (104%) fast the said fee shall be forfeited to the District and the water bill shall be paid as rendered.

### **Section 13 - Stopped Meter**

If a meter is not registering usage, the charges for service shall be based upon the estimated consumption. Such estimates shall be made from previous three year average consumption for a comparable period or by such other method as is determined by the General Manager.

### **Section 14 - No Meter Bypasses Allowed**

All water used on any premises must pass through the meter. No bypass or connection around the meter between the service and main shall be made or maintained. District may pursue the theft of water under the provisions of California Civil Code section 1882, et seq., or pursuant to any other applicable laws or regulations. Customers may be held responsible and charged for all water passing through their meters.

### **Section 15 - Inspection**

The General Manager or his authorized representative shall have the right to enter the customer's premises, during reasonable hours, for any purpose reasonably connected with the activities of the District.

### **Section 16 - Access to Facilities**

All facilities installed by the District on private property for the purpose of rendering water service to such property shall remain the property of the District. These facilities may be maintained, repaired or replaced by the District without the consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made by the District for placing or maintaining said facilities on said private property.

### **Section 17 - Operation of Facilities**

All of District's facilities, including but not limited to water pipelines, wells, reservoirs, fire hydrants, manholes, pumping stations, valves, connections, meters, treatment facilities and other accessories, property and appurtenances, shall be under the management and control of the General Manager. No other persons, except authorized employees of District, shall have

any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the foregoing or any of the District's property.

### **Section 18 - Main Extension Requirement**

If an applicant's entire property does not front upon an existing distribution main of the District that is located in a public street or right-of-way, in addition to the metered water service connection charges hereinafter mentioned, such applicant shall be required to pay the cost of a main extension, of a size determined by the General Manager, from a District distribution main (as determined by the General Manager) of at least equal capacity, to the extremity of such applicant's property boundary farthest from the District's distribution main. Applicant shall also be required to pay the cost of a circulation line to avoid dead end lines, if, such circulation line is necessary in the opinion of the General Manager. Said applicant shall advance to the District the General Manager's estimate of the cost of such main extension. No interest will be paid on deposits held by the District.

No dead-end lines shall be permitted, except in the discretion of the General Manager, and in cases where circulation lines are necessary they shall be designed and installed by the District as part of the cost of the main extension.

All mains connected to the District's distribution system shall become the property of the District and shall be installed and maintained by the District, or if desired by the District, by private contractors, with satisfactory references, under contract with the District.

### **Section 19 - Metered Water Service Ownership and Installation**

The service connections extending from the water main to and including the meter, meter box and meter valve, shall be installed, owned and maintained by the District. All pipes and fixtures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

All meters shall be installed in either a dedicated public street right-of-way or in a private street where the developer installs and dedicates to the District at developer's expense the distribution system along with easements satisfactory to the District.

The District reserves the right to determine the location of service connections with respect to the boundaries of the premises to be served and said connections must comply with local plumbing code requirements.

The rights of an applicant are subject to the prior rights of the District to determine appropriate location through the District's General Manager, and are subject to all other provisions to these rates, rules and regulations.

Services in new subdivisions will not be installed prior to the rough grading of the streets.

Should the owner of property desire a change in the location of the meter or service connection on the same property, the cost shall be borne by the owner as determined by the General Manager. (The owner may down-size the meter, one time only, at no charge by the District. See Section 8A.) Said owner shall advance to the District the General Manager's estimate of the relocation costs. No interest will be paid on deposits held by the District.

In the event an applicant gives incorrect information as to the description of the property or the location where the connection is desired, and as a result thereof, the service connection is installed in the wrong location the applicant shall pay all expenses incurred by reason of such error.

If, after the installation of a service, a customer constructs a sidewalk, driveway or other structure or encroachment at or near a meter, meter box or fitting in such a way as to cause additional expenses in removing or installing the meter, or in repairing leaks in the service, such additional expenses shall be charged to and collected from the owner of the property.

### **Section 20 - Land Division**

A person desiring to provide a water system within a tract of land he/she proposes to subdivide shall make written application therefore to the District.

Said application shall state the number of the tract, the name of the subdivision, and its location. Before any construction is commenced, the District shall be provided with a copy of the plans, profiles and specifications for the street work therein.

Upon receiving the application, the General Manager shall make an investigation of the proposed subdivision and make his recommendation as to the facilities required to provide water service to the proposed subdivision. Said investigation shall include a review of whether the developer shall be required to pay for the construction of new capital facilities or modifications to existing capital facilities including, but not limited to, transmission mains, reservoirs, booster stations and sites for such capital facilities.

Fire hydrants shall be so located within said tract, such that each proposed residence is within the distance of a hydrant as specified by the fire protection agency having jurisdiction.

The size, type and quality of materials and location of the lines shall be specified by the General Manager. The actual construction will be done by the District or a contractor working for the District.

Developers will be required to pay to the District the entire cost, including but not limited to overhead charges, of the water system within said subdivision, together with the costs of necessary main extensions, and necessary capital facilities and sites therefore. The developer shall be required to advance to the District the General Manager's estimated cost thereof. The sub divider shall pay to the District or the District shall refund to the sub divider any difference between the estimated and the actual cost of the water system within the subdivision.

All distribution lines and service connections, including meters, shall be the property of the District.

The developer shall, at his/her cost, provide all connections to houses and structures constructed by him/her, as herein provided.

### **Section 21 - Separate Ownership**

Each house or structure under separate ownership and each separate parcel of land receiving water service from District shall have a separate service connection. Two or more houses or structures under one ownership and on the same lot or parcel of land may be supplied through the same connection, or a separate service connection may be provided for each such house or structure. The Board reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection.

Not more than one service connection for domestic or commercial supply shall be required for one building or structure, except under special conditions.

No customer shall resell any of the water received by the customer from the District, nor shall such water be delivered to premises other than those specified in the application for service or diverted from those premises.

An applicant may apply for as many services as may be reasonably required for his/her premises provided that the pipeline system for each service be independent of the others and that they not be inter-connected.

When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

The responsibility for payment of charges for all water furnished to combined units, supplied through a single service connection must be assumed by the applicant.

### **Section 22 - Deposits for Construction**

Prior to the District commencing any segment of any construction project, including pre-construction tasks, the applicant shall post a cash deposit with the District. The amount of the deposit shall be determined by the General Manager. Once the construction is completed an accounting of total costs, including overhead charges as provided elsewhere herein, shall be made. If the deposit is in excess of the costs a refund of the excess amount shall be made to the depositor. If the deposit is less than the total costs, including overhead, an additional billing for the balance of these costs shall be made. No water will be provided to any property until these costs or deposits are paid in full.

No interest will be paid for deposits held by the District.



### **Section 23 - Overhead Charges**

Overhead charge shall be added to the other costs for work performed in the installation and/or repair of any District facilities where payment for said installation and/or repair is the obligation of those other than the District. Said overhead charges shall be three (3) times direct District labor costs as determined by the General Manager, plus ten percent (10%) of all direct non-labor costs of the District, including but not limited to materials, contract services, rental equipment, and other costs.

### **Section 24 - District Participation**

Should the District desire to install facilities in excess of those needed to meet the applicant's obligations under these Rates, Rules and Regulations, the cost of said excess facilities shall be borne by the District.

### **Section 25 - Easements**

Any applicant shall, without cost to the District, grant or cause to be granted to the District an easement or easements for the installation, maintenance and replacement of water lines, valves, meters and appliances, determined by the General Manager to be necessary for the installation of adequate facilities to approve such application. Said easement or easements shall be granted to the District prior to the District granting the application.

### **Section 26 - Damage to District Facilities**

The customer shall be liable for any damage to District facilities when such damage is from causes originated on the premises by an act of the customer, the customer's tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks on or near a meter, and any damage to a meter. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill therefore. Water service may be refused or discontinued to any premises where apparatus or appliances are in use that unreasonably endanger District's facilities or services.

### **Section 27 - Damages to Private Property**

The District assumes no responsibility for loss or damage due to water pressure, either high or low, or lack of water. The District agrees to furnish such quantities of water and pressures as are available in its general distribution system. Water service is subject to shutdowns and variations in pressure required by the operation of the system.

The District shall not accept responsibility for the maintenance of pressure and it reserves the right to discontinue service while making emergency repairs and shut-downs required in the operation of the water system. Customers dependent upon a continuous supply should provide emergency storage.

If a house or property is vacant when water supply is turned on as requested, District will endeavor to ascertain if water is running on the inside of the building or property. If water is found to be running the water will be left shut off at the meter stop, on the inlet side of the meter. The District's jurisdiction and responsibility ends at the outlet side of the meter and the District will in no case be liable for damages occasioned by water running from opened or faulty fixtures, or from broken or damaged pipes behind the outlet side of the meter.

### **Section 28 - Customer's Plumbing**

The customer shall, at customer's own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or any of his tenants, employees, contractors, licensees or permittees installing, maintaining, operating or interfering with such equipment.

### **Section 29 - Fire Service Meters**

Any property served by private, on site, separate, fire protection systems, such as, fire hydrants and/or fire sprinkler systems shall be served by a fire service meter. The monthly charge will be based upon the size of fire service installed.

There shall be no connection between private fire protection service and any other water distribution system on the premises.

There shall be no water used through the fire service meter, except to extinguish fires or to test the installed fire fighting equipment. Any unauthorized water use shall be billed at one and one-half (1-1/2) times the regular rate.

### **Section 30 - Fire Hydrant Use**

Fire hydrants connected to the mains of the District are for use by the District or by organized fire protection agencies. Applicants desiring to use fire hydrants for any purpose must complete a Fire Hydrant Meter-Temporary Service form. Applicants shall operate the hydrant in accordance with District requirements. All water will be metered through a District meter.

Whenever permission is granted for applicants for temporary service connections to use water from a fire hydrant the General Manager shall require a deposit to cover the cost of water used as well as the cost of the meter setting and relocation fee. The applicant will be billed monthly for water used. The final bill will be applied against the deposit. The rate to be charged for this water delivery will be two (2) times the regular water rate.

### **Section 31 - Temporary Service Connections**

The General Manager may authorize a temporary service connection that will be disconnected upon the predetermined time frame that the customer requests the temporary service.

The applicant for a temporary service connection shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish such service.

All facilities for temporary service to the customer connection shall be made by the District and shall be operated in accordance with District instructions.

The customer shall use all possible care to prevent damage to the meter or to any other facilities of the District which are involved in furnishing temporary service from the time they are installed until they are removed. If the meter or other facilities are damaged or lost, the cost of making necessary repairs or replacements shall be paid by the customer.

The rate to be charged for water delivered through a temporary service connection will be one and one-half (1-1/2) times the regular water rate.

### **Section 32 - System Buy-In-Fee**

An applicant for water services that currently does not have water service to the applicant's property shall pay a System Buy-In-Fee for each new metered water service installation. Said System Buy-In-Fee is to be used for future capital development and replacement of the existing water system. The System Buy-In-Fee is set by the Board of Directors.

A District customer may request in writing that District increases the size of the customer's service line. If District, in its sole but sound discretion, agrees to the requested increase, customer shall (1) pay for all costs associated with the increase and (2) pay the difference between the System Buy-In-Fee charged at the time of the installment of the existing service line and the System Buy-In-Fee in effect for the larger size at the time of the customer's request.

### **Section 33 - Water Availability Statement**

Prior to the issuance of a Building Permit, the City of La Habra Heights may require the builder to secure a Water Availability Statement from the District. The builder shall pay the Water Availability fee per District's fee schedule..

### **Section 34 – Will Serve Letter**

The District will provide at no cost will serve letters for customers who require them. These letters will indicate if the District can serve water to a particular property and any required improvements to the water system. If water service can be provided by District and is requested by the customer, the cost of water service and all related charges shall be borne by the customer as specified within these Regulations, District's fee schedule, and any other applicable rules, orders, regulations, or resolutions as may be imposed or adopted by the District.

### **Section 35 - Notification for Discontinuance of Service**

Customers desiring to discontinue service shall notify the District at least two days prior to the date they desire to discontinue service. Unless discontinuance of service is ordered, the customer shall be liable for charges irrespective of whether any water is used.

Upon notification that a customer desires the water service discontinued the District will shut off the water supply, on the inlet side of the meter, read the meter and prepare a closing bill covering the period through the turn off date.

### **Section 36 – Flow Restrictions for Non-Payment or Partial Payment of Water Bills**

Water service to residential parcels shall not be discontinued for non-payment of water bills. District may discontinue water service for all other lawful purposes.

To preserve water and encourage payment of water bills, District will impose restrictions on the flow of water to customers where water bills are not paid in full, as set forth below, unless the customer has been granted a waiver or an extension of time to pay the water bills. The level of flow restriction shall be determined at the sole discretion of the General Manager or his/her assignee.

As set forth in Section 6, above, a customer's account is delinquent when payment in full for water bills is not received in the District office on or before the 25th day after presentation of the bills. Customers with delinquent bills are subject to flow restrictions.

Prior to imposing flow restrictions, District will call the delinquent customer to inform customer of the impending flow restrictions. If District is not able to speak with customer, a door tag will be delivered to customer's property, informing customer of the impending flow restrictions. Once a District utility worker is dispatched from District's office with a door tag, a door tag fee in an amount to be determined by District will be added to the customer's account. Once service has had a flow restriction device installed, a flow restriction delinquent charge will also be added to the customer's bill. Unrestricted water flow will be restored when the entire outstanding bill is paid, including current and previous bills, late charges, door tag fee, flow restriction delinquent charges, and any other fees or charges authorized by these Regulations.

If the customer, or any unauthorized party, removes or otherwise tampers with the flow restriction equipment, District will re-install a flow restriction device and add another flow restriction delinquent charge for each unauthorized tampering or removal of the flow restrictor. Any damages to water system facilities or other costs associated with flow restrictions shall be paid in full before service is restored. A customer who tampers with District's water facilities or obtains water from those facilities in violation of these Regulations or California law is also subject to further penalties, as authorized by law.

When water service has a flow restriction device installed for delinquency, service will only be restored during normal business hours.

### **Section 37 - Unlawful to Turn On Water**

It shall be unlawful for any person to turn on the water after the same shall have been turned off as herein provided, without the written consent of the General Manager.

### **Section 38 – Fraud and Abuse**

Service may be discontinued, in District's discretion, to protect the District against fraud or abuse.

### **Section 39 - Returned Checks**

Whenever a bill or charge is paid by a check that is not honored by a bank and returned to the District for any reason customer will be notified.

If water service was subject to termination customer will be required to redeem the returned check in three (3) days with cash, money order or a cashier's check.

If water service was not subject to termination the customer has until due date to redeem check returned to District to avoid late fees.

Additionally, a returned check charge will be added to the amount to be paid as provided elsewhere herein. Any late fees that were averted by the customer presenting a returned check by the bank may be charged to the customer.

If a customer has two returned checks within a twelve month period, it will be required that payments be made in cash, money order or cashier's check during the 12 months following the last returned check.

### **Section 40 - Apportionment of Water Supplies**

During the time of threatened or actual water shortage, the General Manager shall apportion the available water supply among the customers in the most equitable manner possible, with due regard to public health and safety. During periods of drought or high demand the General Manager shall have the authority to terminate water service if a customer refuses to cooperate when asked to curtail certain water uses.

### **Section 41 - Waste of Water**

No customer shall knowingly permit waste or the leakage of water. Where District finds that water is wastefully or negligently used on the customer's premises, the District may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

## **Section 42 - Cross-Connection Control Program**

The General Manager shall be responsible for implementing and enforcing the cross-connection control program. An appropriate backflow prevention assembly shall be installed by and at the expense of the water user at each user connection where required to prevent backflow from the water user's premises to the domestic water system. It shall be the water user's responsibility to comply with the District's requirements.

The type of protection that shall be provided to prevent backflow into the public water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the water user's premises. Unprotected cross-connections with the public water supply is prohibited. The type of backflow prevention assembly that may be required (listed in decreasing level of protection) includes: Air-gap separation, Reduced Pressure Principle Backflow Prevention Assembly and a Double Check Valve Assembly. The water user may choose a higher level of protection than required by the water supplier. The minimum types of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degree of hazard are listed in Table 1, Section 7604, Title 17, California Code of Regulations. Situations which are not covered in Table 1 shall be determined by the District or health agency.

Only backflow prevention assemblies which have been approved by the District shall be acceptable for installation by a water user. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, Title 17, California Code of Regulations. Location of the assemblies shall be as close as practical to the user's connection. The District shall have the final authority in determining the required location of a backflow prevention assembly.

Testing of backflow assemblies shall be conducted only by qualified testers and testing will be the responsibility of the water user. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. More frequent testing may be required if deemed necessary by the District. No assembly shall be placed back in service unless it is functioning as required. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing repair and maintenance shall be borne by the water user. Approval must be obtained from the District prior to removing, relocating or replacing a backflow prevention assembly.

The District shall conduct necessary surveys of water user premises to evaluate the degree of potential health hazards. The District shall notify users when an assembly needs to be tested. The notice shall contain the date when the test must be completed.

When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the procedure for terminating water service shall be instituted. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

1. Refusal to install or to test a backflow prevention assembly, or to repair or replace a faulty backflow prevention assembly.
2. Direct or indirect connection between the public water system and a sewer line.
3. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
4. Unprotected direct or indirect connection between the public water system and an auxiliary water system.

For condition 1, the District will terminate service to a water user's premises after proper notification has been sent. If no action is taken within the allowed time period water service shall be terminated.

For conditions 2, 3, or 4, the District shall take the following steps:

- A. Make reasonable effort to advise the water user of intent to terminate water service;
- B. Terminate water service and lock service valve. The water service shall remain inactive until correction of violations have been approved by the District.

### **Section 43 - Complaints**

The General Manager shall have the power and discretion to adjust complaints and grant rebates to complainants from the charges specified, except as set forth in District's Claims Procedures, below.

### **Section 44 - Rulings of General Manager**

All rulings of the General Manager shall be final unless appealed in writing to the Board within five (5) days. When appealed, the Board's ruling shall be final and conclusive.

### **Section 45 – Claims Procedures**

This section applies to claims filed against District for money or damages otherwise exempted by Government Code Section 905 and which are not governed by other statutes or regulations. A claim not covered by Government Claims Act as set forth in the Government Code shall be presented in accordance with this section. A claim, or amendment thereto, shall be presented to the District by delivering it to the District's offices.

A claim presented pursuant to this section shall be presented by the claimant or by a person acting on his behalf and shall show:

- (a) The name and mailing address of the claimant;
- (b) The mailing address to which the person presenting the claim desires notice to be sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- (d) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of presentation of the claim;
- (e) The name or names of the public employee or employees causing the injury, damage or loss if known;
- (f) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed; and
- (g) The signature of the claimant or some person on his behalf.

A claim filed pursuant to this section relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented not later than six months after accrual of cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.

An application may be made to the District for leave to present a late claim when a claim required to be presented within a period of less than six months after the accrual of the cause of action is not presented within the required time.

Government Code Section 911.4(b) and Section 911.6 through 912.2 inclusive, and Sections 946.4 and 946.6 shall govern the application. The time specified in this section shall be the time specified in Government Code Section 911.2 within the meaning of Sections 911.6 and 946.6.

The Board shall act on the claim or application to file late claim within 45 days after the claim or application has been presented to the District. Written notice of action taken pursuant to this section rejecting an application or a claim in whole or in part shall be given to the person who presented the claim.

No suit for money or damages may be brought against the District on a cause of action for which a claim is required until the written claim therefore has been presented to the District and has been acted upon by the Board. No suit may be brought against the District on any cause of action for which a claim is required unless such suit is commenced within six months after the date the claim is acted upon by the Board, or is deemed to have been rejected by the Board.



The General Manager may allow compromise or settle a claim against the District if the amount to be paid pursuant to such allowance, compromise or settlement does not exceed \$10,000. The General Manager shall advise the Board when there has been allowance, settlement or compromise on such claim.

The provisions of Code of Civil Procedure Section 1094.6 shall be applicable to the judicial review of the decisions of the Board of Directors.

The General Manager may commence actions within the jurisdiction of the small claims court to recover damages to District property. The General Manager may defend small claims court actions on behalf the District.

#### **Section 46 – Variances**

Except as prohibited by laws or regulations other than District's Rules, Rates and Regulations, District may, at its sole discretion, grant variances to any requirement set forth within the Rules, Rates and Regulations by making specific findings regarding the nature and necessity of the variance. Any variance shall be made by District's Board of Directors and shall not be valid unless signed by the General Manager or his/her designee. District shall have the right to limit any variance in scope, time, or otherwise, and may revoke any variance in its sole discretion. District's grant or denial of a variance shall be final and not appealable.

#### **Section 47 – Severability**

If any section, subsection, sentence, clause or phrase of these Rates, Rules and Regulations is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of the Rates, Rules and Regulations. The Board of Directors of the La Habra Heights County Water District hereby declares that it would have passed said Rates, Rules and Regulations by section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.