

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: May 17, 2022	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Public Works & Transportation
APPROVING PARTY: Tim H. Beals, Director
PHONE NUMBER: 530-289-3201

AGENDA ITEM: Second Reading and adoption of ordinance governing and providing regulations, rules, rates, and charges, governing the use, operation, maintenance and management of property, parks and recreation facilities, street lights, facilities, equipment, easements, and other responsibilities including the Sierra Brooks Public Water System of County Service Area 5, Zone 5A.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
Draft Ordinance

BACKGROUND INFORMATION: This ordinance defining enforcement provisions, rules and regulations, rates and billing, including meter reading, after the completion of the Sierra Brooks Water System Improvement Project was introduced at the May 3, 2022 meeting of the Board of Supervisors.

FUNDING SOURCE: CSA5, Zone 5A
GENERAL FUND IMPACT: No Additional General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED?
 Yes, -- --
 No

IS THIS ITEM ALLOCATED IN THE BUDGET? Yes No
IS A BUDGET TRANSFER REQUIRED? Yes No

SPACE BELOW FOR CLERK'S USE

<p>BOARD ACTION:</p> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2022- _____ Agreement 2022- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____ DATE _____

**BOARD OF SUPERVISORS
COUNTY OF SIERRA-STATE OF CALIFORNIA
COUNTY SERVICE AREA 5, ZONE 5A**

ORDINANCE NO. ____

ORDINANCE GOVERNING AND PROVIDING REGULATIONS, RULES, RATES, AND CHARGES, GOVERNING THE USE, OPERATION, MAINTENANCE AND MANAGEMENT OF PROPERTY, PARKS AND RECREATION FACILITIES, STREET LIGHTS, FACILITIES, EQUIPMENT, EASEMENTS, AND OTHER RESPONSIBILITIES, INCLUDING THE SIERRA BROOKS PUBLIC WATER SYSTEM, OF COUNTY SERVICE AREA 5, ZONE 5A

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS as follows:

Ordinance Section One: Chapter 8.45 of the Sierra County Code entitled “County Service Area Zone Creation and Administration” is hereby amended and restated in its entirety as follows:

Chapter 8.45 - County Service Area Zone Creation and Administration

Section 8.45.010- County Service Area Zone Created

The Sierra County Board of Supervisors, by its Resolution 672, adopted June 1, 1956, formed Sierra County Service Area 4 pursuant to the County Service Area Law (Government Code Section 25210, et seq.) and provided for various types of extended services that may be performed within the County Service Area. Subsequently, the Sierra County Board of Supervisors by its Resolution 71-21 adopted April 20, 1971 established Zone 4A with County Service Area 4, which has been renamed County Service Area 5, Zone 5A.

The Sierra County Board of Supervisors shall be the Board of Directors of County Service Area 5, Zone 5A and shall be responsible for setting policy and general administrative procedures of the County Service Area Zone. The Board of Directors shall maintain minutes of meetings, records of its adoption of any Resolutions, Ordinances, Fees, Policies, and Procedures, and all other necessary records. The Board of Directors shall maintain a budget and shall be governed by the same rules and regulations as the County of Sierra and the Treasurer-Tax Collector. The Auditor for the County Service Area Zone shall be the Sierra County Treasurer-Tax Collector and the Sierra County Auditor.

The General Manager of the District shall be the County Director of Public Works unless otherwise appointed by the Board of Directors. The General Manger of County Service Area 5, Zone 5A

shall administer and carry out the policies and procedures set by the Board of Directors. The General Manager shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties of the General Manager under this Chapter may be delegated by the General Manager to persons in the employ of the County and/or County Service Area Zone.

Ordinance Section Two: Chapter 8.50 of the Sierra County Code, entitled “Sierra Brooks – County Service Area 5, Zone 5A – Water System Regulations”, is hereby amended and restated in its entirety to read as follows:

Chapter 8.50-Sierra Brooks-County Service Area 5, Zone 5A-Water System Regulations

8.50.010-General Policy and Responsibilities

The County Service Area (“CSA”) will exercise reasonable care and diligence to deliver to its customers a continuous and sufficient supply of potable water at the required pressure at the point of service connection and to avoid interruptions in service or shortages. The CSA shall not be liable for interruptions, shortages, insufficiency of supply, lack of potable water, fluctuations or variations in pressure, or any loss or damage occasioned thereby.

The entire water system up to the service connection to each individual service, including the water meter assembly, shall be under the exclusive control and management of the CSA. When the CSA finds it necessary or convenient to make repairs or improvements to its system, the CSA shall have the right to temporarily suspend the delivery of water. Repairs or improvements shall be made as rapidly as practical and at such times as will reasonably minimize inconvenience to the customer.

Connections and water use shall be made in accordance with the provisions of the CSA rules, regulations, ordinances, regulations, policies, and specifications. No person shall connect, substantially increase, or alter the use of water without making application to the CSA, securing a water service permit, and paying applicable charges. No person other than duly authorized representatives of the CSA or Fire Department shall open or draw water from any CSA service, including fire hydrants, without prior written approval of the CSA and payment of applicable charges. Use of water from fire hydrants for any use other than firefighting or for hydrant maintenance by CSA or fire department personnel is prohibited. The CSA shall not be responsible for any loss or damages directly or indirectly resulting from or caused by the proper, improper or negligent installation, operation, use, repair or maintenance of water facilities or equipment by the customer or any other person.

The CSA or its authorized agents or employees shall have access at all reasonable times to enter the customer’s property for any purpose associated with the provision of water service, including inspection of the same to observe and determine that the CSA water ordinances and regulations are being observed and implemented.

No person shall place on any water pipeline, or pipeline easement, any obstruction, such as wires,

fences, trees, or buildings or improvements, which may impede or otherwise interfere with the CSA’s ready access to any portion of its water system.

8.50.015 - Water System Service Application and Fees

- (a) Application for water service shall be made in writing and shall include a completed application form as provided by the General Manager. Upon payment of any required fees, the water service connection shall be installed by CSA employees. The schedule of fees, as contained herein, shall be instituted as of the effective date of this ordinance. Said fees shall remain in effect unless otherwise amended or repealed by the Board of Directors.
- (b) Fees are hereby established and shall be imposed for the following activities and/or service provided by the CSA to real property or the owners of real property, as follows:

New Water Service

Water Meter (3/4 inch)	\$575
Shut Off Valve at Box	\$100
Fire Sprinkler “T” at Box	\$100
Connection Fee	\$150

Miscellaneous Costs Related to Services*

Inspection/Certification	\$2500
Single Service Meter Box	\$3200
Double Service Meter Box	CSA Cost
Lateral Installation	CSA Cost

*These costs may not be necessary as determined by General Manager

Miscellaneous Water Services

Will Serve Letter	\$50
Service Call-Regular Hours	\$50/hour
Service Call-After Hours	\$50/hour
Disconnect Fee	\$100
Reconnect Fee	\$50
Water Restrictor Installation	\$200
Bulk Water Sale	\$5.00 per 1000 gallons
Fire Sprinkler Inspection at Certificate of Occupancy	\$50

Unless otherwise expressly provided, fees shall be paid in advance of service. Where fees are not paid in advance of service they shall be promptly billed by the General Manager and shall be due and payable within thirty (30) days of the date of the bill to the affected property owner or person.

A connection fee will be paid at the time that the service connection is made to the real property.

No connection will be made and no building permit shall be issued until this connection fee is paid in full.

Water meters shall be required to be installed on all new service connections. The cost for water meter installation shall be charged at the time of application for a new water service to serve the building permit application for the primary residence on the property.

A water shut-off valve shall be installed outside of meter boxes by the CSA for any new water service. A second water shut-off valve shall be installed at a location close to the residence so as to allow convenient access to the shut off valve by the owner. The cost and installation of the shut-off valve at the residence shall be a responsibility of the property owner. Proper operation of the water shut-off valve shall be inspected by the CSA or the County. A properly installed and functioning shut-off valve shall be a condition of continued water service.

All water service connections shall be required to accept conditions of pressure and service as is provided by the CSA water system at the point of connection. The CSA shall not be liable for any damages arising from high or low pressures and the property owner may install pressure increaser or pressure reducer improvements after the shut-off valve outside the meter box.

Section 8.50.020-Water Service Connections, Improvements, Fire Sprinkler Systems

Water service shall be issued to any parcel containing a residence (or equivalent dwelling unit) or where the customer is proposing to build a residence (or equivalent dwelling unit). The CSA shall, at the cost to the property owner requesting water service to the property and collected in advance as a fee, install the lateral (if required) and shall install a water meter, water shut off valve at the water box, fire sprinkler "T" (if required) at the water box, and any required water meter box (single or double) at property corners or where property corners are infeasible, at property lines as designated by the General Manager. Only duly authorized employees or agents of the CSA are permitted to install service pipes from system mains, valves, meters, or install meter/valve boxes from the system mains to the designated valve box/meter box. All equipment within the valve/meter box, including the valve/meter box, and any piping from the meter/valve box to the mains, shall be considered property of the CSA.

The property owner is solely responsible for all trenching, pipelines, shut-off valves, and any required backflow prevention devices and/or valves preventing cross connections. In the event that residential sprinkler systems are proposed on an existing or proposed residence, a minimum two (2) inch lateral is required to be installed to the meter. From the meter, a dedicated pipeline, independent from the residential service line to the residence, is required to serve any residential fire sprinkler system. When required, the CSA will install a "T" on the owner's side of the meter for use by the owner in providing the required dual lines to the residence-one for residential water service and one for serving the residential fire sprinkler system. A backflow device shall be required for any installation of a residential fire sprinkler system, and this backflow prevention device shall follow the specifications outlined in this ordinance. The backflow device shall be inspected annually and certified as to its satisfactory operation. The General Manager may waive a backflow device in those instances where the residential sprinkler design is using residential

service water without any oils, anti-freeze, or other additives and in such cases, the fire sprinkler system shall be located within a freeze-free location within the residence where ambient temperatures during winter are maintained above freezing.

Water service connections will not be allowed to be connected to garages, travel trailers, fifth wheels or like vehicles, tents, storage sheds, or other improvements on a parcel. Water service connections shall not be installed on parcels that will contain a proposed residence unless and until a County Building Permit has been duly issued; the Architectural Review Committee of the Sierra Brooks Property Owners Association has granted its approval of the development of the parcel; and, a water service application has been approved by the CSA.

Water service to second residential units, guest houses, and caretaker residences, if authorized by County zoning laws, may be served by a separate service and meter at the request of the property owner. The base rate and fees for an individual water service established herein at \$19.58 per month (base rate) shall be required to be paid by the owner for the water service to serve these uses, or as amended by the Board.

All work from the point of ownership (meter box) of the customer to the outside of the foundation of the customer's residence shall be inspected by the CSA and/or the County Building Department. This customer service line or in the case of a fire sprinkler system, the customer service lines, shall not be covered at any point without inspection and approval by the CSA. The installation must be tested for leakage.

Section 8.50.025-Water Service to Multiple Parcels or Merged Parcels

If any owner owns multiple properties that are contiguous to each other and are vacant, the base water monthly service charges of \$19.58 per month as set forth in this ordinance shall not be charged for any parcel unless and until there is a new water service application request from the owner for water service to any one or all of the vacant parcels. The owner of any vacant parcel shall only receive a water service to one or all of the vacant parcels when the owner has submitted a water service application for each of the parcels that the owner desires to connect to the water system and shall pay any fees or charges, including the costs of installation of the water service and meter. The owner of each parcel for which a service connection is installed by the CSA shall be required to pay the monthly service charge as set forth in this ordinance for each parcel receiving a water service.

Any vacant multiple parcels that are contiguous and under the same ownership, or any vacant merged parcels containing a water service to one or all vacant lots and where no water meter or approved meter assembly exists, shall be provided an approved water service only when a water service application is made to the CSA and paying all fees or charges required by this ordinance, including the costs of installation of the water meter assembly. This does not apply to a parcel which is part of multiple parcels under one ownership or merged parcels under one ownership, which contains a primary residence (EDU).

Multiple parcels which are merged, resulting in one parcel, shall not be entitled to maintain more

than one water service connection unless otherwise authorized by this Ordinance. In the case of a developed parcel that is merged with adjacent and undeveloped parcels, any water service connection that may have been in existence prior to the effective date of the merger shall be discontinued and the General Manager shall cause its discontinued use and removal upon merger of the parcels.

Section 8.50.030-Water Service to Vacant Parcels

Water service may be provided to vacant parcels only upon request of the owner. Any existing water service to a vacant parcel that does not have an approved water service permit; that does not contain a meter; and, does not have an approved water meter assembly that meets minimum water service requirements of this ordinance shall not be considered an approved installation. A water service application and payment of all fees shall accompany any request for water service made to the CSA for a vacant parcel. The owner shall pay for the installation of the water service and meter, and shall pay the monthly water service charge. The existence of a water valve and/or water box upon a vacant parcel does not constitute implementation nor approval of service of water delivery to the vacant parcel and shall be disconnected until such time that a water service application is filed with the CSA and a meter installed at the service box. A water service application is required to authorize serving a vacant parcel with water and once a water meter is installed, the service of water to the parcel shall be authorized. Once the meter is installed by the CSA and the service is authorized and charged, the owner shall be required to pay the monthly water service fees and shall be charged the base rates established in this ordinance.

If an owner owns a single vacant parcel, the base water rate as set forth in this ordinance of \$19.58, shall not be charged unless and until there is a water service application made to the CSA with payment of all fees and charges, including the cost of the installation of the meter and meter assembly for water service.

If an owner has an approved water service to a vacant parcel and subsequently decides to merge the vacant parcel with a contiguous parcel(s) that contains an approved water service to a residence, the service to the vacant parcel shall be terminated and removed. If the merger involves two or more vacant parcels, only one service shall be permitted to the merged parcel that formerly contained two or more parcels. In such a case, any services that previously existed shall be terminated, except one water service which may remain to serve the new parcel configuration representing the merger.

Water service and use of water on a vacant parcel for dust control shall be prohibited unless the dust control is required as part of any approved grading activity on the parcel or to temporarily contain dust while an improvement (road, storage building, etc.) is being developed on the property.

Section 8.50.035-Cross Connection and Backflow Prevention

The CSA shall have the regulatory responsibility for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or

pollutants through the water service connection. If, in the judgment of the General Manager, an approved backflow prevention assembly is required at the customer's water service connection for the safety of the water system, the General Manager shall give the customer notice in writing to install an approved backflow prevention assembly at the customer's property and at the expense of the customer/owner of the parcel. The backflow prevention device shall be certified annually by the CSA and the cost of such certification shall be a responsibility of the property owner.

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross connection between plumbing pipes and/or water fixtures being served with water by the CSA and any other source of water supply or to maintain any sanitary fixture or other appurtenances of fixtures which, by reason of their construction, may cause or allow backflow of water or other substances into the water supply and/or distribution system of the CSA and/or the service of water pipes or fixtures of any customer of the CSA.

Section 8.50.040-Water Use, Base Rate Established, Meter Reading, Payments, Disconnection of Service

Property owners and/or residents shall not re-sell or enter into any contract to resell, any water originating from the CSA. Water use shall not be transferred to any property other than the property for which the original water service to the property is/was specified and approved by the CSA.

Water lines not owned and maintained by the CSA shall be kept in good order and repair by the owner. Persons wasting water due, in the sole discretion of the General Manager, to defective pipes or valves or leaks in pipes may be refused delivery of further water until such conditions are corrected.

Fees, rates, and charges for base charges, water consumption charges, and fees, rates, and charges imposed by the CSA as part of its routine billing shall be based on a schedule of fees (late fees, non-payment, water turn-off, water re-start, delinquency charges, liens, etc.) adopted by resolution of the Board of Directors of the CSA. User fees and charges shall be billed to the owner of the property served regardless of who is deriving the benefits from, submitting payment for, or receiving the water service as a result of the water connection. The base monthly rate for water service connections shall commence on the first day of each month and shall be \$19.58 per month which allows consumption up to 50,288 gallons of water per month. Water consumption in excess of this base rate shall be charged to the owner at a rate of \$2.27 per 1000 gallons above the base rate of 50,288 gallons of water. Water consumption in an amount less than the base rate of 50,288 gallons cannot be credited nor carried over to another month.

Water service charges billed monthly for water service cannot be paid in one lump sum annually nor can these fees be carried on the annual County tax bill for payment. Water meters will be read monthly by the CSA and monthly billings will be distributed on the 15th day of each month, containing charges for the prior month consumption of water from the CSA and any other charges (late fees, delinquent charges, etc.) determined to be appropriate by the CSA. There is no option

for any “seasonal disconnections” nor any other form of “discount” in water service charges and all service connections shall be required to pay the base rate of \$19.58 per month whether or not water was consumed. Customers shall be billed for water service on a monthly or on a quarterly basis, as determined by the CSA. Bills from the CSA will be rendered monthly based on consumption to the nearest 1000 gallons. The CSA may choose to implement meter reading and billing based on a quarterly cycle if the CSA finds that such would be in the best interest of the CSA and if approved by the Board of Directors. If for any reason, a meter cannot be read on the regular reading date, the customer will be billed at the minimum rate of \$19.58 per month, and at such time as the meter is again accessible on the correct reading date, the meter shall be read and billing adjusted accordingly. The CSA shall be responsible for meter reading and meter maintenance while all billing and collections shall be provided to the CSA by the County Treasurer-Tax Collector. The specific process for meter reading, transfer of information on water consumption, software interaction with the billing and collection process, rates, fees, and charges, time limits, disconnections and reconnections, and other policies governing the billing and collection process shall be set forth by Resolution of the Board of Directors or as provided herein.

If a leak or other condition caused a significant over-run of water consumption in a given month, a one-time leak adjustment may be issued by the General Manager upon receipt of a written explanation from the owner describing the cause and the corrective action taken to prevent further water loss. The General Manager may or may not approve the one-time leak adjustment and the summary of findings and decision of the General Manager shall be conveyed in writing to the owner of property who requested the one-time leak adjustment.

When an abnormally large quantity of water is desired for filling a swimming pool, pond, or for other purposes, arrangements must be made with the CSA prior to taking such water. Permission by the General Manager to allow a customer to take water in large quantities shall be granted only if it can be safely delivered through the CSA’s facilities; only if the water system is not in an emergency or otherwise critical water rationing or conservation phase; or, if other customers are not inconvenienced.

Section 8.50.045-Wells within CSA 5 Zone 5A

There exists thirty-eight (38) parcels that exceed one (1) acre in size and which formerly qualified for the ability to serve the parcel by an individual water well. Those parcels that are vacant and do not have a domestic water well in existence on the parcel and serving water to an existing residence as of the effective date of this ordinance shall be prohibited from drilling a domestic water well and shall be required to be served water by the CSA.

Property owners who have an existing domestic water well that is connected to a residence and who opt to not connect to the CSA water system, may at any time in the future, request a new water service permit to connect the parcel to the CSA water system. Water from the CSA water system will only be connected by the CSA to the parcel upon submittal of a water service application and payment of all required fees for a new water system connection. The existing well on the property shall either be formally abandoned or be allowed to co-exist with a new water service connection by installation of a backflow prevention device in accordance with this

ordinance. The CSA shall confirm sufficient separation of the well from any potential cross connection to the CSA water system and determine if an exemption from the installation of a backflow device will be approved; will confirm that any required backflow prevention device is operational; shall confirm that only the CSA water system is connected to the residence; and, shall routinely inspect the property to assure compliance with this ordinance. At no time may any connection between the well and any pipelines or fixtures associated with the well be connected to the service line from the meter to the residence without an adequate backflow prevention device. The backflow prevention device shall be certified annually and the certification shall be provided annually by the owner to the CSA. The cost for certification of the backflow prevention device shall be a responsibility of the owner.

An owner who has a residence which is served by an individual water well and is not connected to the CSA water system shall be exempt from the payment of monthly water base rate charges. If the owner determines that CSA water service is desired in the future and submits a water service application to connect to the CSA water system, the owner shall then be required to begin paying the monthly base rate service charges and annual assessment fees once the connection is installed by the CSA.

The construction of new water wells within the boundaries of the service area of the CSA water system are prohibited as of the effective date of this ordinance. Exceptions to this prohibition include any well developed by the CSA for water to serve the CSA or any well proposed for development by the State of California, Department of Fish and Wildlife to serve management needs for the Smithneck Creek Wildlife Management Area that is located within the boundaries of the CSA.

Section 8.50.050-Water Conservation Policy

A water conservation policy and associated regulations are hereby established and shall apply to all real property receiving water from the CSA water system. The water conservation policy shall be administered and enforced by the General Manager or designee so designated by the General Manager.

Section 8.50.055-Water Conservation Phases

The water conservation policy shall consist of four (4) phases regulating the outside use of water which is defined as any use other than the use of water inside of a residence, including but not limited to irrigation of lawns and landscaping (irrigation sprinkler systems, sprinklers attached to a garden hose, flood irrigation by garden hose); sports fields; gardens; washing vehicles, decks, driveways, sidewalks, buildings, or other like surfaces; filling of pools or ponds; and similar water use. The four (4) phases of water conservation are defined as follows:

- 1) **Phase One - Voluntary:** This is a voluntary water conservation program where property owners and residents served by the CSA, during all months of the year, are requested to practice and conduct outside irrigation/watering conservation. Irrigation of lawns and landscaping would be authorized on Tuesdays, Thursdays, and Saturdays of each week for

odd numbered addresses and on Wednesdays, Fridays, and Sundays of each week for even numbered addresses. No outside watering would occur at any time on Mondays of any week during summer months defined as May through October of each year. There would be no watering for any dust control purposes and no irrigation of native landscaping. Outside irrigation during the authorized and stated days (odd or even numbered addresses) would be limited to the time periods between 5:00 am through 10:00 am and 5:00 pm through 10:00 pm. No outside irrigation would be authorized during the hours before or after these stated hours of each day.

- 2) **Phase Two - Mandatory:** This is a mandatory water conservation program where property owners and residents served by the CSA would be required to follow specific outside water use regulations. During this phase, all requirements outlined in “Phase One-Voluntary” section shall be mandatory and there shall be no washing of decks, driveways, sidewalks, buildings, or other like surfaces unless accomplished by use of a pressure washer that has a functioning shut-off nozzle that is automatic and water is not running on the surface of the ground. Washing of boats, vehicles, trailers, or other like equipment is permissible only when washing is accomplished through use of hoses with nozzles providing automatic or manual shut off and water is not running on the surface of the ground. No ponds or swimming pools may be filled during this phase. This phase is not intended to prevent property owners or residents from hand-watering (not through use of any sprinklers) landscape plants, plants in containers, pots, or planters. Hand watering is permissible so long as the hose being used contains a nozzle providing automatic or manual shut off and watering is not being conducted by flood irrigation, sprinkler systems, or by sprinklers being left in operation. This phase is not intended to restrict watering of vegetable gardens so long as such watering is not accomplished by use of sprinklers or flood irrigation and there is no waste of water occurring.
- 3) **Phase Three-Declaration of Drought:** If conditions of drought are identified by official order or proclamation by the Governor or State Water Resources Control Board, the General Manager is authorized to issue notification to property owners and residents of the CSA that additional watering restrictions will be implemented and enforced; phase two restrictions will be enforced and additional restrictions may be imposed that implement further prohibitions for outside use of water, including days and times of day. The General Manager will request ratification of the additional regulations at the next regular meeting following receipt of any official order, drought declaration, or proclamation from the Governor.
- 4) **Phase Four-Emergency:** This is water conservation where it is determined by the General Manager that a critical water shortage exists or some other bona fide emergency condition exists that requires immediate and effective water conservation to maintain the maximum water levels necessary for public health and safety. During this phase, all phase one and phase two regulations will be in effect and the General Manager is authorized to post notices and implement and enforce additional outside water use restrictions, including prohibition on any outside water use during the term of the emergency condition. The General Manager will request ratification of any imposed additional regulations as well as

ratification of continuing this phase of water conservation at the next regular meeting, or any special meeting, called by the Board of Directors.

Section 8.50.060-Manager's Authority to Implement Phases

The General Manager may unilaterally impose phase two restrictions for a period not exceeding thirty (30) days and phase three restrictions for a period not exceeding fourteen (14) days. Should the General Manager determine that a period in excess of the time frames specified may be required, a special meeting of the Board of Directors shall be conducted to determine the need for additional restricted periods. Periods in excess of those authorized to be imposed by the General Manager must be approved by the Board of Directors. This does not have any effect upon a compliance order or emergency order issued by the State of California.

The General Manager shall have the Authority to impose phase three restrictions for a period not exceed fourteen (14) days, during which time a special or regular meeting of the Board of Directors shall be convened, at which time the Board may determine that it is necessary to continue the phase three restrictions.

Section 8.50.065-Notification

Notification of any phase one or two requirements may be provided by a sign located at the entrance to the Sierra Brooks Subdivision, by mailers or by a newsletter, or by other such means as the General Manager deems appropriate. Phase three requirements shall include all notification provided for phase one or two requirements and shall also include posting of notices on each property containing a valid service connection and/or the use of posters or pamphlets or street signs.

Section 8.50.070-Enforcement

A. Violation of Section 8.50.010-Unpermitted Use of Fire Hydrant; Obstruction of Pipeline or Pipeline Easement

Any unpermitted use of District fire hydrants shall result in a fine of \$100.00 (one hundred dollars).

Whenever any construction or activity is being performed contrary to the provisions of section 8.50.010, the General Manager may issue written notice to the responsible party to stop work immediately on that portion of the construction on which the violation has occurred. No work shall proceed on that portion until corrective measures have been taken and have been approved by the General Manager.

Any obstruction placed on any water pipeline or pipeline easement which may impede or otherwise interfere with the CSA's ready access to any portion of its water system shall, upon CSA's written request, be immediately removed by the property owner, or their agent, at no cost to the CSA. If the obstruction is not immediately removed by property owner, the CSA may remove the obstruction at the property owner's expense.

B. Violation of Section 8.50.015-Failure to Pay Fees/Install Shut Off Valve

Bills unpaid after thirty (30) days shall have a ten percent (10%) one-time late fee added to the bill and the adjusted amount (bill and late fee and any interest) shall thereafter earn interest at the rate of one percent (1%) per month, which shall be added at the end of each month.

The failure of an owner to install an approved shut off valve shall result in a discontinuance of service until such valve is properly installed at the sole discretion of the General Manager.

C. Violation of Section 8.50.020-Unauthorized Installation of Water Service Infrastructure

Any work or connections of pipes, valves, meters or any water service infrastructure made without approval of the CSA shall be considered as unauthorized and shall be immediately disconnected by the CSA at the property owner's expense.

D. Violation of Section 8.50.025-Unlawful Water Connection to Vacant Parcel

The General Manager shall be empowered to cause the disconnection of any such water service connections to vacant parcels for which a meter and meter assembly is not in place within the meter/valve box and shall assess a fine of \$500.00 (five hundred dollars) for each connection to CSA water not supported by an application, approval and the payment of fees.

E. Violation of Section 8.50.030-Dust Control

The use of CSA Water for dust control except as provided for in section 8.50.030 shall result in a fine of \$250.00 (two hundred fifty dollars) for each violation.

F. Violation of Section 8.50.035-Cross Connection

Any person, firm or corporation causing or allowing the maintenance, temporarily or permanently, of a cross connection between plumbing pipes and/or water fixtures being served water by CSA, which causes or allows any other source of water through backflow or other means to enter into the CSA supplies as described in section 8.50.035 shall be subject to a fine of \$1000.00 (one thousand dollars) for each violation, and subject to disconnection if it is determined by the General Manager to be a threat to public health and safety

G. Violation of Section 8.50.040-Failure to Timely Pay Water Rate Fees, Charges, or Fines

Any delinquent water service charges incurred in the current or immediately preceding fiscal year and penalties thereon may be placed on the annual county tax roll for collection pursuant to Cal. Water Code section 55501.

Water service may be disconnected and shut off if fees, charges, or fines are not paid in full by the

20th day of the month following the month in which the fee, charge, or fine has not been paid, unless otherwise prohibited by law. A disconnect fee and a re-connection fee shall be charged to the owner for any water service required to be disconnected as a result of non-payment of fees. Without prejudice to any other right, remedies, or relief given or granted to the CSA, the CSA may terminate water service for non-payment of delinquent service charges, penalties, interest and finance charges provided the CSA gives notice of the delinquency and impending termination of water service, at least ten (10) days prior to the proposed termination by means of personal service or notice mailed postage prepaid to the customer to whom the service is billed, not earlier than nineteen (19) days from the date of mailing the CSA's bill for services, and the ten-day period shall not commence until five (5) days after the mailing of the notice. Every notice of termination of water service pursuant to this ordinance shall include the following information:

1. Name and address of customer whose account is delinquent
2. Amount of the delinquency
3. Date by which payment or arrangements for payment is required in order to avoid termination of water service
4. Procedure by which the customer may initiate a complaint or request an investigation concerning service or charges and the procedure by which the customer or owner may request amortization of the unpaid charges
5. Procedure by which the customer may request amortization of the unpaid charges
6. Procedure for the customer to obtain the information on availability of financial assistance, including private, local, State, or Federal sources, if applicable
7. Telephone number and email address of a representative of the CSA who can provide additional information arrangements for payment

The CSA shall make a reasonable and good faith effort to contact an adult person residing at the premises of the customer by telephone or personal contact, at least 48 hours prior to any planned termination of water service, except that, whenever telephone or personal contact cannot be accomplished, the CSA shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of water service, at least 48 hours prior to termination.

H. Violations of Section 8.50.045 – Wells within CSA 5 Zone 5A

Any parcel that is vacant and does not have a domestic water well in existence on the parcel and serving water to an existing residence as of the effective date of this ordinance and thereafter drills a domestic water well shall be subject to a fine of \$100 per day until the well is abated.

If, at any time, a connection between a well, or any pipelines or fixtures associated with the well, is made to a service line from the meter to the residence without CSA approval and an appropriate backflow device properly installed, the property owner shall be subject to a fine of \$100 per day until the connection is abated.

If the unpermitted or unlawful construction of new water wells within the boundaries of the service area of the CSA water system are installed after the effective date of this ordinance, the property owner shall be subject to a fine of \$100 per day until the new water well is abated.

I. Violations of Sections 8.50.050 and 8.50.055 - Water Conservation Policy and Water Conservation Phases

- (a) Phase one restrictions are voluntary and there shall be no action taken for violation of its provisions.
- (b) Phase two restrictions, when imposed, shall be enforced by the General Manager, and as determined necessary, when a violation has occurred or is in the process of occurring, a notice of violation shall be served in writing to the owner of property causing the violation. If any violation continues after the issuance of a notice of violation, the General Manager shall impose any or all of the following:
 1. An administrative penalty shall be assessed in the amount of \$250 for each day that the violation is occurring.
 2. Installation of a flow restriction device on the service line to the property that is subject of the violation and located within the meter box maintained by the County Service Area at the property owner's expense.
 3. Termination of service and disconnection of the water service to the property.

Violation of any phase three restrictions are hereby declared to be a hazard to public health and safety and shall result in the General Manager issuing a written notice of violation to the property owner causing the violation. In the event that a property owner fails to immediately correct the violation as directed in the notice of violation, the general manager shall impose the remedies and/or administrative penalties for phase two violations. In addition, the General Manager shall have the authority to disconnect the water service which shall be preceded by a written notice of intent to disconnect issued to the property owner prior to the actual disconnection of the service; provided however, in the case of the imminent failure of the water system due to lack of water, the General Manager shall have authority to immediately disconnect service for a property in violation of the water restrictions. If the water service is disconnected, a notice of disconnection shall be posted on the property and no re-connection shall occur until the fees as required by resolution of the Board of Directors have been fully paid.

J. Discontinuation of Water Service for Reasons other than Non-Payment to the CSA

Water service may be discontinued for reasons other than non-payment to the CSA:

- 1) Where apparatus, appliances, or equipment using water is dangerous, unsafe, or not in conformity with laws or regulations governing public water systems or the customer fails to maintain the customer's facilities in a suitable condition to prevent the waste of water;
- 2) Where water consumption is greatly in excess of past averages or seasonal use and where such excessive demands by one customer is or may be detrimental or injurious to the water service furnished to other customers;

- 3) If there is a fraud in securing a water service or a serious abuse of water use that is not corrected after written notice from the General Manager;
- 4) If such discontinuance directly affects health and safety and conditions warrant such action;
- 5) Delinquency in the payment of any bill and/or failure to make payment of required charges, fees, and assessments requiring the County Treasurer-Tax Collector to recommend immediate discontinuance of water service;
- 6) Any unprotected, actual, or potential cross connection or lack of adequate backflow protection or maintenance of backflow prevention devices
- 7) Upon request of the owner to have water shut off, and in such cases, the CSA shall shut off the water and read the meter within 72 hours of the request and a closing bill will be prepared and transmitted to the owner however, the monthly bases rate will continue to be billed to the property owner whether or not water is used;
- 8) A parcel is vacant and contains an old or non-compliant water service that does not have an approved water service permit, a water meter installed, and the installation does not comply with the installation specifications herein.

When water service is disconnected for any reason, a reconnection fee shall be paid prior to restoration of water service.

K. Appeals

Any property owner who is subject to a notice of violation may appeal the determination of the General Manager to the Board of Directors. The appeal shall be in writing and shall be filed with the Sierra County Clerk-Recorder, with a copy to the General Manager, no later than ten (10) days after the date of the notice of violation has been served (by personal service or by mail) on a property owner. The Board of Directors shall hear the appeal at the next available public meeting and render a decision within forty-five (45) days of the hearing. No publication nor formal mailed notice of the date which the CSA Board of Directors will undertake consideration of the appeal is required for the hearing, other than to the party filing the appeal. Such notice to the appellant shall be no less than ten (10) days prior to the scheduled hearing on the appeal. During the processing of any appeal, the decision of the General Manager shall remain in full force and effect.

Disputes over water consumption fees paid and/or over any assessed charges paid to the CSA may be appealed in writing to the County Treasurer-Tax Collector and any written appeal must be received by the County Treasurer Tax Collector within ten (10) days of the date of billing being contested. The decision of the County Treasurer-Tax Collector shall be rendered in writing within ten (10) days of the decision on the appeal but no longer than twenty (20) days after receipt of the written appeal. Any decision of the County Treasurer-Tax Collector may be appealed to the Board of Directors of the CSA by providing written notice to the Board of Directors within ten (10) days of receipt of the decision of the County Treasurer Tax Collector on the appeal. The Board of Directors at its next public meeting shall hear the appeal and render a decision within forty-five (45) days of the hearing. No publication nor formal mailed notice of the date which the CSA Board of Directors will undertake consideration of the appeal is required for the hearing, other than to the party filing the appeal. Such notice to the appellant shall be no less than ten (10) days

prior to the scheduled hearing on the appeal. The fees being contested must have been paid and any appeal for any fee not paid shall be grounds for dismissal of the appeal.

Any person aggrieved by a final order or decision imposing an administrative fine may seek review in the Sierra County Superior Court pursuant to Government Code Section 53069.4.

L. Collection of Fines

The County may commence a civil action to collect the fines. In the event a civil is commenced to collect the fine, the County shall be entitled to recover all costs associated with the collection of the fines. Such costs include, without limitation, staff and counsel time incurred in the collection of the fine, attorney fees for processing the civil action, and those costs set forth in Code of Civil Procedure Section 1033.5.

The County may take such other actions as are allowed for enforcement of a civil judgment, such as is provided for pursuant to the Enforcement of Judgement Law, California Code of Civil Procedure Section 680.010, et seq.

M. Non-exclusive Remedy

The enforcement remedies established in this chapter shall be in addition to any other administrative or judicial remedy provided by law.

Ordinance Section Three: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The Board of Supervisors declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared severable.

Ordinance Section Four: This ordinance shall take effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance it shall be published once with the names of the members of the Board of Directors voting for and against the ordinance in the Mountain Messenger, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 3rd day of May, 2022, and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 17th day of May, 2022, by the following roll call vote:

AYES: Supervisors

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SIERRA

PAUL ROEN
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID A. PRENTICE
COUNTY COUNSEL