

## DIVISION IX. ENFORCEMENT

### Section 9.01. Authority of District

A. The rates and charges levied pursuant to this chapter shall be collected by the Board, who shall make and enforce such regulations as may be necessary for safe, economical and efficient management and protection of the District distribution system, and such regulation, collection, rebating and refunding of such charges or rentals.

B. In the event of a violation of any of the laws of the State of California, Placer County, or the ordinances or rules and regulations of the District, the District shall notify the person or persons causing, allowing, or committing such violation, in writing, specifying the violation and upon the failure of such person or persons to cease or prevent further violation within five (5) days after the receipt of such notice, the District shall have authority to disconnect the property served from the District system.

C. Duty of Manager. The Manager is hereby charged with the duty to enforce all of the provisions of this Division and Chapter.

### Section 9.02. Public Nuisance

Continued habitation of any building or continued operation of any industrial or commercial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial or commercial facility during the period of such violation.

### Section 9.03. Public Nuisance, Abatement

During any period of disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

### Section 9.04. Discontinuance of Service

Service may be discontinued for any one of the following reasons:

A. Delinquency in the payment of any bill, except that residential service shall not be discontinued for non-payment in any of the following situations:

1. During the pendency of any investigation by the District of a customer dispute or complaint.
2. When a customer has been granted an extension of the period for payment of a bill.

3. On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the District and requests permission to amortize, over a period not to exceed 12 months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.
- B. The unauthorized taking of water or the taking of water in excess of the amount paid for.
  - C. Failure of the customer to maintain his facilities in a suitable condition to prevent waste of water.
  - D. The existence of any unprotected cross connections on the customer's premises or the lack of adequate backflow protection at the service connection.
  - E. Any violation by the customer of any rules and regulations of the District governing water service.
  - F. Any fixture, apparatus, appliance or equipment using water is found by the Manager to be dangerous or unsafe.
  - G. The use of water service on such premise is found by the Manager to be detrimental or injurious to the water service furnished by the District to other consumers.
  - H. The Manager finds that negligent or wasteful use of water exists on any premise which affects the District's water or sewage service.
  - I. A consumer has ignored to correct any notice of sewer inflow and infiltration given pursuant to Chapter 2 within five days following mailing of such notice to the last known address of the consumer.
  - J. A consumer is aiding and abetting another consumer in a violation of this Code or any other law.

In the event of any violation of this Ordinance which results in a public hazard or menace, or in any other appropriate circumstance, the Manager may enter upon the premise without notice and do such things and expend such sums as may be necessary for the safety of the public or District water system.

#### Section 9.05. Notice Prior to a Discontinuance of Residential Service for Nonpayment

A. At least ten (10) days before any proposed discontinuance of residential service for nonpayment of a delinquent account the District shall mail a notice, postage prepaid to the customer to whom the service is billed, of the proposed discontinuance. Such notice shall be given not earlier than nineteen (19) days from the date of mailing the District's bill for such service and the ten (10) day period shall not commence until five (5) days after the mailing of the notice. In addition to the ten (10) day notice provided for in the preceding sentence, the District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight (48) hours prior to any discontinuance of such service.

B. Every notice of discontinuance of service required by this Section shall include all of the following information:

1. The name and address of the customer whose account is delinquent.
2. The amount of delinquency.
3. The date by which payment or arrangements for payment is required in order to avoid discontinuance.
4. The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure.
5. The procedure by which the customer may request amortization of the unpaid charges.
6. The procedure for the customer to obtain information on the availability of financial assistance including private, local, state or federal sources, if applicable.
7. The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

Section 9.06 Notice Prior to a Discontinuance Other Than a Discontinuance of Residential Service for Nonpayment

At least ten (10) days before discontinuing service, other than the discontinuance of residential service for nonpayment of a delinquent account, which is provided for in Section 9.05, the District shall provide the customer with a written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the General Manager, or designee, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the General Manager, or designee, shall be included in any such notice of proposed discontinuance given to a customer.

Section 9.07. Notice of Discontinuance of Residential Service to Customers on Master Meters

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, or other use where the owner, manager, or employer is listed by the District as the customer of record, the District shall make every good faith effort to inform the actual users of the service, by means of a notice, when the account is in arrears, that service will be discontinued within ten (10) days. Such notice shall also inform the actual users that they have the right to become District customers without being required to pay the amount due under the delinquent account.

Nothing in this section shall require the District to make service available to actual users unless each actual user agrees to the District's terms and conditions of service and meets the requirements of the District's rules and regulations. If one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those actual users who have not met the requirements of the District's rules and regulations, the District shall make service available to the actual users who have met those requirements.

Section 9.08. Discontinuance of Service on Weekends, Holidays or After Hours

No water service shall be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

Section 9.09. Amortization of Delinquent Bill for Residential Service

Every complaint or request for investigation by a residential customer that is made within five (5) days of receiving the disputed bill, and every request by a residential customer that is made within thirteen (13) days of the mailing of the notice required by this Chapter for an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the General Manager, or designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time as determined by the District. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the General Manager, or designee, may appeal the determination to the Board of Directors.

Section 9.10. Authority to Settle Controversies Relating to Discontinuance and to Permit Amortization of Delinquent Bills

The General Manager, or designee, is hereby authorized to investigate complaints and review disputes pertaining to any matters for which service may be discontinued and to rectify errors and settle controversies pertaining to such matters. The General Manager, or designee, is also authorized upon a proper showing by a residential customer of the customer's inability to pay a delinquent bill during the normal period, to grant permission to amortize the unpaid balance over a reasonable period of time, as determined by the District.

At his or her discretion, the General Manager may bring such controversies to the Board for settlement by the Board prior to the discontinuance of any such service.

Section 9.11. Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement

If an amortization agreement is authorized, no discontinuance of service shall be effected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the District shall not continue service without giving notice to the customer at least forty-eight (48) hours prior to continuance of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the District.

Section 9.12. Disconnection/Reconnection

When service has been disconnected as provided in this ordinance the customer shall pay the unpaid account balance in full plus a disconnect/reconnect charge, as set forth in Schedule A, attached hereto and incorporated herein by reference, before any disconnected service will be reconnected. Additionally, a deposit may be required per this Chapter.

Section 9.13. Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinance, rules and regulations and not as a penalty.

Section 9.14. Lien

Each rate, charge, penalty, or rental levied by or pursuant to this chapter on property is hereby made a lien upon said property as hereinafter provided.

A. Liens. Delinquent charges, interest and penalties thereon when recorded as provided in the Revenue Bond Law of 1941 (Government Code Section 54300, et seq.) shall constitute a lien upon the real property served (except that no such lien shall be created against any publicly owned property) and such lien shall continue until and unless all charges and penalties thereon are fully paid or the property is sold therefor.

B. In the event that any customer or owner fails to make such payment as provided above, the customer, owner, and subject property shall be deemed to be in default and in such cases, the District may declare the balance or remaining balances due and payable. In the event the District is required to bring action to collect any sum in default under District Ordinance terms, the customer or property owner shall pay, as an additional penalty, any and all Attorney's fees and/or Court and legal costs incurred by the District to bring such action. The District shall not be limited to any one remedy in the event of default, but may avail itself of any remedy or legal procedure available to it in such event.

C. The District shall include a statement on its bill to each customer or property owner, or shall provide such statement to each property owner by any other means, that any charges remaining delinquent for a period of sixty (60) days may become a lien against the lot or parcel of land against which the charges were imposed.

D. All rates, charges, penalties, and interest which remain delinquent as of June 30 of each year may be collected in the same manner as the general taxes for the District for the forthcoming fiscal year provided that the District shall have given prior notice to the customer-property owner of the lots or parcels affected as follows:

1. By the last Thursday in May of each year the District staff will prepare a written report for the Board of Directors containing a description of each parcel of real property receiving a specific service and the amount of delinquent charges, penalties, and interest due against that parcel on June 30. The report of delinquent water charges may be combined with a report for any other delinquent charges.
2. The staff shall publish a notice of the filing of the report and of the time and place of hearing by the Board of Directors on the report. Such publications shall be for not less than once a week for two weeks prior to the date set for hearing. The same notice shall be mailed to the owner of each parcel listed on the report as that owner appears on the last equalized assessment roll.
3. At the time of the hearing stated in the notice, the Board of Directors shall hear and consider all objections or protests to the delinquency report. Thereafter, the Board may adopt, revise, change, reduce or modify any charge, overrule any or all objections, and make its determination upon the propriety of each charge and delinquency described in the report. The Board's determination shall be final. Thereafter, the Board may adopt a resolution approving the delinquency charge report, as modified if appropriate, and record such report with the Placer County Recorder, and request the County Auditor to include the amount of delinquencies on the bills for taxes levied against the respective lots and parcels. The resolution and report will be transmitted to the County Auditor not later than July 1 of each year.

E. Action, Attorneys' Fees, Administrative Fees. The District may bring an action in any court of competent jurisdiction for the collection of delinquent charges and interest thereon against the person or persons who occupied or, who owned the property when the service was rendered or against any person guaranteeing payment of bills, or against all said persons. Cost of suit and reasonable attorneys' fees shall be awarded District, pursuant with Section 54356 of the California Government Code.

If District commences legal action to recover delinquent charges and interest thereon, District shall recover, as an element of damages in said action a sum as determined by the Manager, which sum represents the administrative expense to the District, not including attorneys' fees, as being directly necessitated by the legal action.

F. Availability Charge Addition To Tax. In case any water availability charge is delinquent, the District may add such charge plus any allowed administrative charge or interest to the tax bill of the premise receiving such service subject to the provisions of Section 31032 et seq. of the Water Code.

#### Section 9.15. Cumulative Remedies

All remedies set forth herein for the collection and enforcement of charges, rates and penalties are cumulative and may be pursued alternatively or consecutively.

## Section 9.16. Appeals

A. By Motion of Board. The Board may, at any time, upon its own motion, exercise its power to overrule any determination made by the Manager under the terms of this chapter and these regulations.

B. By Other Persons. Any person who shall have a right to appeal as provided in this chapter or who has other grounds for appeal of any determination of the Manager must appeal such determination or other action in writing within thirty (30) days thereof, and must set forth the determination or other action to which such person objects and the grounds for such objection.

C. Report by Manager. In the event of any such appeal, the Manager shall transmit to the Board a report upon the matter appealed within thirty (30) days thereof.

D. Hearing. The Board shall hear any appeal within a reasonable time after receiving notice thereof.

E. Notice. The Board shall cause notice of any such hearing to be given at least fifteen (15) days prior to the hearing and shall include a statement that the appeal will be heard by the Board, the location, date and time of the hearing to the appealing party by personal delivery or by mailing such notice to his or her last known address.

F. Witnesses. The Board may, at its discretion, subpoena witnesses to attend such hearing.

G. Effect of Determination. If the Board determines that the appealing party must pay any charge or do any other act, such party shall be required to do so forthwith, together with any administrative fee or interest, as provided in this chapter.