

**GRIZZLY FLATS COMMUNITY SERVICES DISTRICT
ORDINANCE 88-1**

*Revisions approved by the
Board of Directors on May 12, 2022*

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ARTICLE 1. GENERAL PROVISIONS

1-01. Purpose

This ordinance is intended to provide the Grizzly Flats Community Services District with a uniform and understandable guide to serving the community.

1-02. Rules and Regulations

Rules and Regulations concerning water and connection to and use of the water supply system and penalties for violations have been adopted for the benefit of the community.

1-03. Title

This ordinance known as "CONDITIONS FOR WATER SERVICE ORDINANCE No. 88-1" was first adopted September 1, 1988.

ARTICLE 2. CONDITIONS FOR WATER SERVICE

Ordinance 88-1 sets forth conditions for water service furnished by the Grizzly Flats Community Services District. It provides for:

- a. Establishment of rules and regulations for water service and connections;
- b. Collection of charges and for penalties and enforcement measures in case of nonpayment of charges or for violations;
- c. Appeals;
- d. Disposal of revenues;
- e. Water conservation measures;
- f. Effective date of Ordinance 88-1, as revised;
- g. Procedure for amending Ordinance 88-1; and
- h. Right of access by District representatives onto private property.

ARTICLE 3. DEFINITION OF TERMS

Terms used in Ordinance 88-1 are defined to provide consistency of usage within the District.

3-01. District

"District" is defined as the Grizzly Flats Community Services District, or the Board of Directors of the District or its duly authorized agents, employees and representatives.

3-02. Owner

"Owner" shall mean a non-subscriber of District water and the holder of record fee title of property within the District.

3-03. Tenant

"Tenant" shall mean a user of water supplied by the District who is a resident non-owner of property within the District and while not responsible for payment of statements, shall be obligated to comply with all other rules and regulations established by the District.

3-04. Customer

"Customer" shall mean a holder of record fee title of property within the District, and who shall be directly liable for satisfying all obligations to the District as established by Ordinance 88-1.

3-05. Living Unit

"Living unit" shall mean any physical structure, permanent, portable or temporary for which any El Dorado County Ordinance shall require potable running water.

3-06. Water Supply System

"Water supply system" shall include everything necessary for the District to acquire, treat and distribute water from its natural source to and including the gate valve within the service connection to a customer's property.

3-07. Capital Connection Fee

"Capital Connection Fee" is a charge to new customers when they connect to the District's system. The Fee is assessed per meter to pay for the cost of new facilities, improvements and capital expansions necessitated by the increased demands of new development on the District. The account is kept in a separate ledger and the fee is dedicated to capital improvements. The amount of this fee shall be established by resolution of the District based upon the Capital Facility Study of the District. The Capital Connection Fee is due and payable on the date the "Application and Agreement for Water Service" is approved by the District, and will be valid for a 12 month period from that date.

As of November 13, 2012, the District shall issue a letter to individuals whose name appears on the "Application and Agreement for Water Service" one month prior to the 12 month expiration date. The letter shall contain information on how the customer can submit a written request for a 12 month extension of the "Application and Agreement for Water Service" or a refund of monies paid. If a written request from the customer is received by the District by the expiration date, the District may extend the "Application and Agreement for Water Service" for an additional 12 months from the date on the agreement. All funds will be returned to the customer after a written request is received prior to the expiration date or after 24 month period from the date of the original "Application and Agreement for Water Service." Parcel owners may reapply for water service at any time.

3-08. Standby Assessment

"Standby Assessment" is a charge per parcel that is placed in the same ledger as the Capital Connection Fee and dedicated to capital improvements, since those improvements also improve system reliability for all users.

3-09. Private Water System

"Private water system" shall include but be not limited to wells (whether or not operative), water circulating solar systems, swimming pools, and other privately operated water systems which require backflow prevention in accordance with Grizzly Flats Community Services District's Ordinance 88-2.

3-10. Service Connection

"Service Connection" shall mean the junction of water supply system and the customer's supply line. The District's ownership of and responsibility for the operation and maintenance of facilities will end at the discharge side of the meter, or discharge conduit. The District shall have no obligation or responsibility for any injury or damage occurring, or maintenance or repair required from the service connection to any other location in or about the customer's property. This provision does not have any affect upon the District's right to compel a customer to repair, modify, remove, replace or otherwise maintain any aspect of the customer's private water system.

3-11. New Service Installation Fee

"New Service Installation Fee" is the fee charged by the District to compensate it for costs incurred in the installation of a service connection to the District's water supply system, exclusive of any required Hook-up Fee. The fee shall be set by the District, in accordance with Article 4, Section 4-03. The amount of the fee shall fully reimburse the District for the costs incurred in the installation of the meter and connecting the property to the system. Once the connection is made, the New Service Installation Fee is non-refundable.

3-12. Hook-up Fee

"Hook-up Fee" is a fee charged by the District to install all water lines, water mains and other infrastructure necessary to enable the District to connect an unconnected unit or parcel of property to the District's water supply system, including without limitation engineering, administrative, legal and other costs. The Hook-up Fee shall be set by the District in its sole discretion and shall be based upon an amount representing the actual cost of any applicable government permits and similar expenses, labor and materials involved in installing such necessary water lines, mains, system improvements, and any charges or expenses deemed necessary by the District to affect the connection.

Prior to the commencement of any such connection work on the District's water supply system, the District may require the preparation of a Facility Improvement letter by an engineer or other qualified individual approved by District detailing the type of extension and improvements that are required for connection of the water supply system to the unit or parcel. The District may elect to complete the Facility Improvement Letter with the use of its own consultants and require an application fee to pay for the Facility Improvement Letter. Written approval by the District and payment by the property owner for such improvements shall be required before connection work shall be initiated by the District. All improvements to the District's system shall be made by the District or its authorized agents.

After the necessary water lines and other infrastructure improvements have been installed, the customer shall be responsible for payment of the applicable Service Connection Fee, the Capital Connection Fee and the Hook-up Fee in order to connect the unit or parcel to the District's water supply system.

3-13. Developer/subdivider

"Developer/subdivider" shall mean an owner of property within the District boundaries who applies to the county to subdivide a parcel into several lesser parcels.

3-14. Water Rate Charge

Except as required by the District, in its sole discretion, to prevent abuse and misuse of the District's water supply, or as specified in Section 7-05, water is provided at a flat or metered rate per month cost.

3-15. Prorated Flat Charge

If applicable, water may, in the District's sole discretion, be provided at a per day cost.

3-16. Past Due Account

An account becomes past due if that account is not paid in full on the 15th day of the month.

3-17. 1st Tier Late Charge

If payment for the current month's charges is not received by the 21st of the month, a 1st tier late charge shall be applied to all accounts with a balance over \$5.00. Notices are sent to each customer notifying them of the late charge. The purpose of this charge is to recover reasonable administrative costs incurred in servicing that account. The charge will be in the amount set forth in the Schedule of Charges (Exhibit 1), appended to Ordinance 88-1.

3-18. 2nd Tier Late Charge

Once an account becomes past due for the 2nd month in a row or has a balance that is equal to 2 months of the current base rate, a 2nd tier late charge shall be applied to that account. The charge will be in the amount set forth in the Schedule of Charges (Exhibit 1), appended to Ordinance 88-1. The purpose of this charge is to recover reasonable administrative costs incurred in servicing the account.

3-19. Returned Check Charges

A charge shall be made to the account for checks returned unpaid in the amount set forth in the Schedule of Charges (Exhibit 1), appended to Ordinance 88-1. The purpose of this charge is to recover reasonable administrative costs incurred in servicing that account. The District will issue a notice to the customer and the customer shall pay all charges due within two weeks of the date of the notice. Until such payment has been received the account will be treated as past due. Two or more checks returned in a 12 month period will require payment in cash or money order for all future payments.

Customers, who issue a payment via check to avoid service interruption or to restore service after termination, but have their check returned unpaid, shall be issued a 48 Hour Disconnection Notice (with applicable charge added to the account balance). Customers must pay all charges in full with cash or money order within 48 hours of the notice or water service will be terminated. If water service is terminated, service termination and reconnection charges will be added to the account. The account must be paid in full prior to service reconnection. Checks will not be accepted from those customers to avoid disconnection or restore service.

3-20. Appeals Board

a. Any customer of the District who disputes any fee or charge assessed by the District, or whose water service is disconnected by the District may appeal that action by filing a notice of appeal of that action no later than 30 days from the date that the District assessed the challenged fee or charge or disconnected water service to that customer.

b. Notice of appeal shall set forth the basis for the appeal and all facts upon which the appeal is based. No other basis or facts will be considered, except those specifically set forth.

c. Late appeals will be automatically rejected.

d. Applicable late charges will continue to accrue against any customer who has filed an appeal until the amount due is paid in full or the District orders otherwise.

e. Water service not disconnected prior to an appeal shall not be disconnected until the Board of Directors rules on the appeal.

ARTICLE 4. SERVICE CONNECTIONS

4-01. Installation of Service Connection

a. Each customer's living unit shall be required to have its own service connection. Customers shall be charged a separate New Service Installation Fee and Capital Connection Fee for each living unit on a parcel, regardless of the number of units on that parcel or parcels.

b. Except as otherwise directed by the District, only duly authorized employees or agents of the District shall be permitted to install service connections to the District's water supply system. The District reserves the right to determine the location of all service connections, which shall be typically at or about the property line or within the easement (street right-of-way) as determined by the District. The property owner shall ensure that the water meter (service connection) box remains accessible at all times. Access to the service/meter box shall not be restricted by a fence, bushes, debris or any other obstruction. The blue meter marker must remain in place and visible, marking the location of the meter. The water customer, in accepting service, accepts the responsibility for reasonable access for said meter, by any means.

c. When determined by the District to be in the best interest of the District and/or the owner, the owner may be required to have the service connection installed by a licensed contractor. All details of the service connection by a licensed contractor must be approved by the District in writing prior to the contractor's installation of the service connection.

d. All parcels situated within the boundaries of the Grizzly Flats Community Services District, which are subdivided subsequent to this action, shall, in addition to the foregoing, be subject to all conditions as stated in Article 8.

e. Customer's ponds, swimming pools, and other high usage applications shall not be permitted through El Dorado County without prior approval of the District. Approvals will not be unreasonably withheld. Any such approvals will be subject to imposition of reasonable conditions by the District and be subject to termination for failure to comply with those conditions, or for other reasonable cause, i.e., drought or other adverse or harmful conditions.

4-02. Unauthorized Work

No unauthorized person shall uncover, make connections to, alter or cause damage to the District's water supply system or its appurtenances or perform any work without prior approval from the District. Water can not be conveyed to any non-serviced lot or dwelling by any means such as hoses, pipes etc. Water service connections can only be installed by the District.

Developers/Subdivider and customer's private water system operators shall be required to apply to the District for authorization to construct or modify a proposed or existing customer's private water system, which approval will not be unreasonably withheld.

4-03. New Service Installation Fee

a. The New Service Installation Fee shall be set by the District, in its sole discretion, based upon the average cost of labor and material for installation of new service connections during the prior calendar year. The District will publish this rate at the first Board meeting of each year. Additional fees may be required for excessively complicated or time-consuming installations.

b. The New Service Installation Fee is non-refundable.

c. The approval for service connection or the installed service connection for a specific parcel is transferable from seller to buyer of that same parcel with an authorization letter from the owner of said parcel. The District must be notified of the transfer by the seller and receive a copy of the authorization letter at the time of transfer so accurate records can be maintained by the District. Any other transfer must be approved by District.

4-04. Request For Water Service

Applicants for water service connections shall provide a copy of their El Dorado County Building Department "Application for Building Permit" to the District office. The applicant must complete the District's application for water service and pay the Capital Connection Fee, the New Service Installation Fee and any applicable Hook-up Fees. The District shall install the water service connection after the applicant shows proof of an issued permit from the El Dorado County Building Department. Upon completion of a service connection, the applicant will be charged the current water service rate.

As of November 13, 2012, see Section 3-07 for "Application and Agreement for Water Service" extensions and refunds. Customers who experience delays in their permit or construction may be eligible for an extension of the agreement or a refund of monies paid if a service connection is not made.

ARTICLE 5. WATER SERVICE CHARGES

5-01. Water Service Rate and Water Standby Assessment

a. Following Proposition 218 requirements (California Constitution articles XIII C and XIII D); the Board of Directors shall establish residential and commercial water rates. Those rates will be determined by a Cost of Services Study. The water service rate will include both a base rate and a volumetric rate. The base rate is charged to all customers who have a service connection and is determined by the District's fixed costs. The volumetric rate is the charge for the actual amount of water used and is determined by the District's variable costs.

b. Irrespective of any applicable water service rate, each parcel located within the District shall be charged a monthly water standby or availability assessment pursuant to California Government Code § 61124 (formerly §61765.16) at a rate of \$4.00 per parcel per month.

c. No water service and no facilities of the District water supply system shall

be furnished to any user or to any person free of charge, discounted, or for exchange-in-kind except as specifically approved by the Board.

5-02. Collection

Statements for water service shall be dated the last day of each month and shall be due on the 15th day thereafter. Payments received at the office after the 20th day will be past due. The customer shall be responsible for keeping the District advised on the address to which statements are to be delivered, and failure of the customer to receive a billing statement shall not relieve the customer of payment obligation to the District.

5-03. Late Charges and Returned Check Charges

All delinquent accounts shall be subject to imposition of late charges, as detailed in the Schedule of Charges (Exhibit 1), appended to Ordinance 88-1. Any returned check shall be subject to charges as detailed in the Schedule of Charges (Exhibit 1), appended to Ordinance 88-1.

5-04. Application

The District shall have the authority to establish any variances which the District deems necessary to alleviate any inequities which may arise upon application of this article.

5-05. Authorization

Ordinance 88-1 authorizes the District to impose, amend, restructure or eliminate any or all of the rates, charges or fees, at any time. Changes to the Schedule of Charges must be approved by a majority vote of the Board.

ARTICLE 6. PRIVATE WATER SYSTEMS

6-01. Prohibition of Connections

Properties, dwellings or structures with private water systems shall not be connected to the District water supply system without prior approval of the District, which approval will not be unreasonably withheld. In approving the connection of such private water systems, the District may, in its sole discretion, impose additional conditions, including but not limited to, District approved backflow prevention devices designed to prevent introduction of impurities into the District water supply system. The customer shall be responsible, at their sole expense, for compliance with all conditions imposed by the District. Conditions are outlined in the District's Ordinance 88-2, Cross-Connection Control Program.

6-02. Permit Required

Before commencement of construction of a private water system, the customer shall first obtain a permit from El Dorado County. In accordance with the provisions of Ordinance 88-1, the District may review the applicant's plans, specifications and other information deemed necessary by the District to ensure the public safety of the District's water supply.

6-03. Design Requirements

The type, capacity, location and layout of customer's private water systems shall comply with all applicable requirements of El Dorado County, the State of California, and all other governmental entities, and shall be subject to the approval of the District.

6-04. Cost of Maintenance by Customer

The customer shall operate and maintain the private water system in a sanitary manner at all times, at no expense to the District, and shall make the private water system available for inspection by the District on 24 hours notice by the District.

6-05. Solar Heating and Sprinkler Systems

Solar heating systems, irrigation or fire protection sprinkler systems, and/or non-District water storage tanks connected to the District facilities shall meet requirements of the District's Ordinance 88-2.

6-06. Additional Requirements

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation administered by the State of California, the County of El Dorado or any other governmental entity.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

7-01. Trespassing

Upon due timely notice to a customer, the District's agents, employees and representatives have the right to enter upon the property of a customer to inspect or perform work on the District water supply system or if a threat exists to the safety of the District's facilities, to inspect a customer's private water system or the customer's supply line located on private property. The District shall use that right with a diligent awareness of the customer's right to privacy, but if public health and safety is at risk, or some other emergency requires immediate access, the District will act with all necessary dispatch. Service to such property may be immediately terminated if public health and safety is determined to be at risk.

7-02. Violations

Any customer, tenant, or other person or entity found to be in violation of any provision of Ordinance 88-1 or any other ordinance promulgated by the District, with exception of water charge delinquencies, will be served with a notice of violation by the District. The notice shall state the nature of the violation and provide a reasonable time for its satisfactory correction. The offender shall cease all violations within the period of time set forth in the notice, and shall make at their own expense, all necessary corrections.

7-03. District's Right to Disconnect Water Service

a. In the event that violation of Ordinance 88-1 or any other District Ordinance is not resolved in a timely manner, or in the event that a water service charge is delinquent, the District may, in its sole discretion, and in addition to its right to impose late fees, returned check fees and other applicable charges elect to disconnect water service to some or all of the parcels owned or rented by the violator. Prior to disconnecting water service, the District shall give the violator ten (10) days written notice and a forty eight (48) hour notice per California Government Code regulations. The customer who has water service disconnected shall be liable for a disconnect fee in the amount set forth in the Schedule of Charges (Exhibit 1), appended to Ordinance 88-1.

b. The customer whose water service has been disconnected pursuant to

Section 7-03.a. and who wishes to have such service reconnected shall be liable to the District for a reconnect fee in the amount set forth in the Schedule of Charges (Exhibit 1), appended to Ordinance 88-1.

7-04. Public Nuisance, Abatement, or Substandard Conditions

During any period in which water service has been disconnected to a parcel of property pursuant to Section 7-03, habitation of the living unit thereon by human beings shall constitute a public nuisance in accordance with California Health and Safety Code section 17920.3, whereupon the District may cause proceedings to be brought for abatement of occupancy. The District shall report the uninhabitable conditions to El Dorado County's Code Enforcement Unit. In the event where the District incurs legal fees related to abatement of occupancy, and as a condition of reconnecting water service to that parcel, there shall be paid to the District a reasonable attorney's fee and the cost of suit arising from the action.

7-05. WATER CONSERVATION/WATER SHORTAGE RESPONSE MEASURES

- a. The District shall encourage the public to practice and support water conservation at all times.
- b. Customers are encouraged to retro-fit their residences with water saving plumbing devices.
- c. To obtain the best use of water and prevent water loss through evaporation, the watering of lawns, gardens, landscape, and pasture irrigation shall occur only between the hours of 6:00 p.m. and 12:00 noon. Watering shall not exceed two (2) hours per water period per customer.
- d. Drip irrigation systems are encouraged and are exempt from watering restriction, except when indicated. Drip systems shall observe the watering hours of 6:00 p.m. to 12:00 noon.
- e. Per the District's Resolution 2016-02 and requirements from the State of California, the following are "Permanent Water Waste Prohibitions" by water users:
 - 1. Hosing off sidewalks, driveways and other hardscapes except as needed for construction or health and safety purposes (such as, but not limited to, dust control, fire suppression and removing pathogenic waste);
 - 2. Washing automobiles with hoses not equipped with a shut-off nozzle;
 - 3. Using non-recirculated water in a fountain or other decorative water feature; and
 - 4. Watering lawns in a manner that causes runoff, or within forty eight (48) hours after measurable precipitation.
- f. Citing and disconnect procedures for customers who, within a calendar year, fail to comply with water shortage response measures as defined under this section (7-05 A-G) shall be as follows:

First offense:	Written warning
Second offense:	\$50.00 fine
Third offense:	\$100.00 fine
Fourth offense:	Water shut-off

At any time, the District's General Manager may choose to refer violations to the El Dorado County Sheriff's Office, the State Water Resources Control Board or any other law enforcement agency. The State Water Resources Control Board's regulations state that any water user who takes any action prohibited in the "Permanent Water Waste Prohibitions" listed above, in addition to any other applicable civil or criminal penalties, may face an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violations occurs (GFCSD Resolution 2016-02).

- g. The District shall have three (3) Water Shortage Emergency Response Stages. They are: Stage 1 WATER EMERGENCY ALERT, Stage 2 WATER EMERGENCY and Stage 3 CRITICAL WATER EMERGENCY.

The Board of Directors or General Manager shall call a Water Shortage Emergency when the supply of water is deemed low. Generally, the General Manager declares a Stage 1 and the Board of Directors declare Stage 2 or 3. However, the General Manager may declare any Emergency Response stage they deem necessary in the event of a facility malfunction or maintenance which requires the additional conservation of water beyond normal daily conservation procedures.

Once a Water Emergency Stage is declared, a notice shall be posted in a public place such as the District's website, social media pages, and the bulletin board at the Grizzly Flats Post Office. All customers shall be notified by telephone, email, or mail. For an emergency expected to last longer than two weeks, all customers shall also be notified by first class mail. The notice shall contain reasons for the emergency, expected duration, and method for further notification as to the status of the emergency.

STAGE 1 WATER EMERGENCY ALERT

A Stage 1 Water Emergency Alert is declared by the General Manager when the reservoir stops spilling water into the overflow (without the elbow on the overflow pipe) or when the reservoir level is below 22 acre-feet (approximate staff gage reading of 10.6) or as deemed necessary due to District operations.

The District will encourage voluntary measures to decrease "normal" water demand up to 20%. Those measures include:

1. All of the above measures listed in Section 7.05.
2. Customers are expected to conserve at 10% to 20% per average daily use.
3. Potable District water shall not be used for dust control, earthwork, or road construction.
4. A water patrol shall be initiated by the District to ensure compliance of emergency measures. It shall operate under the jurisdiction and direction of the General Manager.

5. There shall be no washing of driveways, parking lots, decking, or other paved surfaces with GFCSD water unless for the purpose of renovation, construction or painting.

STAGE 2 WATER EMERGENCY

A Stage 2 Water Emergency Alert is declared by the Board of Directors when the reservoir level is below 20 acre-feet (approximate staff gage reading of 9.6) or as deemed necessary due to District operations.

The District will encourage voluntary measures to decrease “normal” water demand up to 30%. Those measures include:

1. All of the above measures listed in Section 7.05 and in Stage 1.
2. Customers are expected to conserve at 20% to 30% per average daily use.
3. New construction customers shall be allowed water only for operation of construction requirements. Watering for this use shall not exceed one (1) hour of consecutive use in a twenty-four hour period (i.e., concrete work, etc.).
4. There shall be no potable GFCSD water used for the planting of new gardens, lawns or landscaping.
5. Ponds, lakes, fountains, and swimming pools, shall not be filled with potable GFCSD water.
6. Lawns, gardens, landscaping, and pastures shall only be watered between the hours of 7:00 p.m. and 8:00 a.m. Watering shall not exceed one (1) hour per watering period per customer. Drip systems shall also observe the watering hours.

STAGE 3 CRITICAL WATER EMERGENCY

A Stage 3 Water Emergency Alert is declared by the Board of Directors when the reservoir level is below 14 acre-feet (approximate staff gage reading of 6.75) or as deemed necessary due to District operations.

The District will enact mandatory restrictions to decrease “normal” water demand up to 50%. Those measures include:

1. All of the above measures listed in Section 7.05, Stage 1 and Stage 2.
2. Customers are expected to conserve 30% to 50% per average daily use.
3. Water meter applications and water service connections shall be suspended in accordance with governmental regulations regarding Declaration of Water Shortage Emergency.

4. There shall be no outside watering. This includes lawns, gardens, landscaping, or irrigation of pastures and the washing of vehicles with potable water.
5. Drip irrigation systems are not exempt from a Stage 3 Critical Water Emergency.

7-06. Injunction

In addition to the District's right to disconnect water service, whenever a customer or a customer's property or private water system is in violation of provisions of Ordinance 88-1 or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the District may petition the Superior Court for issuance of a temporary restraining order, preliminary and/or permanent injunction, as may be appropriate for the purpose of eliminating the cause of that violation.

7-07. Rewards for Information

The District may pay for information leading to the prosecution and conviction of vandals.

7-08. Damage to District Facilities and/or Water Supply System

Prior to any work performed that may cause damage to any District facilities, request shall be made for the District to indicate the location of any District facilities located in the area of proposed work. In the event that a customer, tenant, or authorized representative of a customer or tenant causes an obstruction, damage or any other impairment to any of the District facilities or the District's water supply system, without due care to have notified the District and to have allowed the District to indicate the location of its facilities and due caution has not been exercised by the customer, tenant, or authorized representative of a customer or tenant to protect the District facilities that have been indicated in the location, the District shall have the right to assess a charge against that customer for the reasonable cost to repair and restore the District's facilities and/or water system, and to add that charge to the customer's next billing statement or, alternatively, to separately bill the customer for those charges.

In the event that such obstruction, damage or impairment is caused by someone who is not a customer, tenant or authorized representative of a customer or tenant, the District shall have the right to pursue all applicable remedies, civil or criminal, against that person, persons or entity. Such charges are to be made only if the work has been performed without due regard for the information provided by the District.

7-9. Appeals

Any applicant, permit holder, owner, customer or tenant affected by any decision, action or determination made by the District interpreting or implementing the provisions of Ordinance 88-1 may file a written complaint with the GFCSD's General Manager within 30 days after the action. The General Manager will present the appeal to the Board at the next regular Board meeting. The Board shall make a final ruling on the appeal within 60 days from the filing of the complaint.

7-10. Civil Penalties

Any person or persons whose action violates any provision of Ordinance 88-1 and causes the District to deliver water which causes pollution, sickness or death or which violates any State of California directive, shall be liable civilly to a penalty of damage as established by the courts.

The District, upon order of the Board of Directors, shall petition the Superior Court to seek to impose, assess and recover damages including all cost of the legal proceeding.

7-11. Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of Ordinance 88-1, or any part of it, is for any reason held to be invalid, the decision shall not affect the validity of the remaining portions of Ordinance 88-1. The Board declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clause, or phrase may be declared invalid. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance rule or regulation administered by the State of California, County of El Dorado, or any other governmental entity.

7-12. Water Conservation Measures

In order to maximize the availability of water to all its customers and to reduce the likelihood of implementing water shortage response measures, the District has established the following requirements and recommendations for its customers:

a. New Construction

New Construction shall incorporate water conservation devices and fixtures such as low flow shower heads and ultra-low flow flushing toilets in compliance with state and county regulations. In addition, it is recommended that all outside landscape watering shall be accomplished by drip irrigation systems. Planting of lawns or other drought intolerant landscaping is strongly discouraged by the district.

b. Existing Residences

Homes which were built prior to regulations requiring low-flow fixtures are encouraged to replace these fixtures with those which comply with current state and county regulations. Also, installation of drip irrigation systems for outside watering is encouraged.

7-13 Effective Date and Amendments to Ordinance 88-1

Ordinance 88-1 may be amended, repealed in whole or in part, and new rules and regulations may be adopted by the Board from time to time as deemed necessary. Any changes must be proposed in writing, at least one regular board meeting before adoption may be completed. Changes must be approved by a majority vote of the Board and shall be effective immediately.

ARTICLE 8. DEVELOPERS/SUBDIVIDERS

8-01. General Policy

The District regards the overall present design of the District's water supply system as being critical to furnishing safe and high quality water to the community. Any alterations or extensions to the water supply system shall adhere to the same standards.

8-02. Intent to Subdivide

Developer/subdividers intending to subdivide any parcel within the boundaries of the District shall, at the time they submit such plan to the County of El Dorado, advise the District of their

intention to have the District provide water service in that development and shall submit to the District a copy of that plan and or any other plan that would include a private water system in that development.

8-03. Developer/subdivider Costs

Any developer/subdivider who intends to subdivide property which is to be hooked up to the District's water supply system shall be obligated to pay all necessary Hook-up Fees in advance of commencement of work under terms that shall be mutually agreed between the developer/subdivider and the District. If, however, the developer/subdivider does not request a hook up to the District's water supply system, each owner of a subdivided parcel desiring to hook up to the District's system shall be individually responsible for payment of a pro-rata share of the Hook-up Fees, plus any additional fees or charges necessitated by the location of that particular parcel, including Capital Connection Fees and New Service Installation Fees.

Each parcel created within the District, as the result of the subdivision of a larger parcel, after the 1988-89 tax year shall be assessed a Standby Assessment pursuant to California Government Code and shall also be assessed pursuant to Measure "G" passed March 1, 1988 and implemented by the Grizzly Flats Community Services District Resolution No. 88-4.

As of January 2008, to be eligible for water service, a parcel must be current in its payment of the past initial formation fee and/or Standby fee, based on when such missed fees were due and payable with six (6) percent annual interest. Such payment shall be made at the time of determining eligibility for water service and is to be charged separately and in addition to the Capital Connection and New meter installation fees (Resolution 2008-1).

8-04. Costs of Installation

The developer/subdivider shall bear all costs for materials, labor and inspections by the District for installation of all necessary water mains, service connections, pumping stations, if required, and other District infrastructure required to connect the development to the District's water supply system. The costs of installation shall include material and labor expended by the District for any extension of the existing District's water supply system necessary to reach that development. Inspection costs shall be based on actual costs incurred by the District which may include but isn't limited to staff time, mileage, and equipment costs.

Owners of parcels subdivided out of a larger parcel shall be jointly liable with the developer/subdivider for Service Connection and Hook-up Fees in accordance with Section 3-09 in the event that the developer/subdivider fails to pay those costs.

8-05. Inspections

The District shall have the right to inspect all work at any time during the District's normal working hours and shall perform scheduled inspections as follows:

- a. preliminary plan review prior to start
- b. at completion of system layout
- c. at completion of excavations
- d. at completion of installations
- e. during pressure testing

f. during backfill

It shall be the responsibility of the party (or parties), performing the work to notify the District at least 24 hours prior to each of the foregoing stages of work.

8-06. Approvals

The District shall have the right to order the developer/subdivider to cease operations or to correct the work at any point if the work fails to meet the approval of the District.