



Ramona Municipal Water District

Legislative Code

This Legislative Code reflects the actions of Ramona Municipal Water District's (RMWD's) Board of Directors. While every effort is made to keep it current and error free, in case of any discrepancy between this document and RMWD's official records (e.g., Ordinances, Resolutions, Policies), the official records will prevail.

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Chapter 1.01

CODE ADOPTION (Reserved)

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Section 1.01.030	Reference Applies to All Amendments.
Section 1.01.040	Title, Chapter and Section Headings.
Section 1.01.050	Reference to Specific Resolutions.
Section 1.01.060	Legislation Not Included.
Section 1.01.070	Effect on Past Actions and Obligations.

Section 1.01.010 Adoption.

Ramona Municipal Water District hereby adopts the "Ramona Municipal Water District Code" as currently compiled, edited and published by Book Publishing Company, Seattle, Washington.

Section 1.01.020 Title, Citation and Reference.

This code shall be known as the "Ramona Municipal Water District Legislative Code" and it shall be sufficient to refer to this code as the "Ramona Municipal Water District Legislative Code" in any prosecution for the violation of any provision thereof, or in any proceeding at law or equity. It shall be sufficient to designate any resolution adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Ramona Municipal Water District Legislative Code." Further, reference may be had to the titles, chapters, sections and subsections of the "Ramona Municipal Water District Legislative Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code.

Section 1.01.030 Reference Applies to All Amendments.

Whenever a reference is made to this code as the "Ramona Municipal Water District Legislative Code" or to any portion thereof, or to any resolution, ordinance or policy of the Ramona Municipal Water District codified in that Code, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 1.01.040 Title, Chapter and Section Headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

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Section 1.01.050 Reference to Specific Resolutions.

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with, resolutions, ordinances or policies which are therein specifically designated by number or otherwise, and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

Section 1.01.060 Legislation Not Included.

The last resolution included in this Code was Resolution No. 1135, adopted July 25, 1995. The last ordinance included in this Code was Ordinance No. 172, adopted June 13, 1995. The last policy included in this Code was an unnumbered policy adopted June 6, 1995. Resolutions, ordinances and policies may have been adopted thereafter. The validity and legal effect of any after-adopted resolutions, ordinances and policies shall not be affected in any way by their omission from the Code.

Section 1.01.070 Effect on Past Actions and Obligations.

The adoption of this Code does not affect prosecutions for resolution, policy or ordinance violations committed before the effective date of this Code, does not waive any fee or penalty due and unpaid on the effective date of this Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any resolution.

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Chapter 1.04

GENERAL PROVISIONS

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Section 1.04.010 Mission Statement.

Section 1.04.010 Mission Statement.

The mission of the Ramona Municipal Water District is to provide satisfactory water, fire, sewer, emergency medical services, disaster preparedness and park services that meet minimum standards in a cost-effective, innovative and equitable manner for the present and future residents and businesses of Ramona.

- A. Minimum standards: technological, regulatory and industry standards consistent with district policy.
- B. Cost-effective: the solution that meets objectives with the least cost.
- C. Innovative: an approach to challenges that is forward looking and seeks financial and technological alternatives.
- D. Equitable: customers equally share the costs and receive the same quality of services.

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Chapter 1.08

DISTRICT SEAL

Contents:

Section 1.08.010 Adopted.

Section 1.08.010 Adopted.

The seal, an impression of which is attached to the ordinance codified in this section, and bearing the words, "Ramona Municipal Water District, organized August 15, 1956", is adopted as the official seal of this district.

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Chapter 2.04

ELECTION DIVISION BOUNDARIES

Contents:

Section 2.04.010 Map Established.

Section 2.04.010 Map Established.

The Board of Directors of the Ramona Municipal Water District does establish the boundaries of the district's five divisions to be in accordance with Map 4, attached to the ordinance codified in this chapter, signed by the president and secretary of the Board of Directors.

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Chapter 2.08

BOARD OF DIRECTORS

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Section 2.08.030	Meetings: Time and Place to be Changed When.
Section 2.08.040	Adjournment of Meetings.
Section 2.08.050	Election of Officers: Terms.
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Section 2.08.150	Compensation for Attending Litigation.
Section 2.08.160	Board Members Prohibited from Agreements/Contracts with District for One Year After Leaving Office.

Section 2.08.010 Meetings: Time and Place.

- A. The meetings of the board of directors of the Ramona Municipal Water District shall be held within the boundary of the territory over which said district exercises jurisdiction. Regular meetings of the board of directors shall be held at such times and at such places as the board may, from time to time, by ordinance establish.
- B. Regular meetings of the board of directors shall be held on the third Tuesday of each month at the hour of 6:00 p.m. at the Ramona Community Center, 434 Aqua Lane, Ramona, California. The public portion of the regular meetings will begin at 6:00 p.m., and the closed session portion of the regular meetings may be held either before or after the public portion of the regular meeting.

Section 2.08.020 Special Meetings.

Special meetings of the board of directors of the Ramona Municipal Water District may be ordered and called at any time by the president of the board of directors of the district or by a majority of the members of said board of directors, by delivering personally or by mail written notice to each director and to each local newspaper of general circulation, radio or television station requesting notice in writing. Said notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the meeting and the business to be transacted and no other

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business shall be considered at said meeting by the board of directors. Written notice may be dispensed with as to any director who is actually present at the meeting at the time it convenes and as to any director that files a written waiver with the board secretary at or prior to the time the meeting convenes.

Section 2.08.030 Meetings: Time and Place to be Changed When.

If at any time, any regular meeting or any special meeting or any adjourned meeting shall fall on a holiday, such meeting shall be held on the next business day. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at the place designated for regular meetings, or at the place specified in the notice of any special meeting, or at the place to which any meeting was adjourned, then such meeting or the adjourned meeting, may be held for the duration of the emergency at such place as is designated by the president of the board of directors of the district.

Section 2.08.040 Adjournment of Meetings.

The board of directors of the district may adjourn any regular, special or adjourned meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn the meeting, and if all members are absent from any regular or adjourned meeting, senior staff member present may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the manner provided in Section 2.08.020. When any regular meeting or adjourned regular meeting is so adjourned, the adjourned meeting shall be deemed a regular meeting for all purposes. If the order of adjournment fails to state the hour to which the adjourned meeting is to be held, it shall be held at the hour specified in the ordinance for the holding of regular meetings.

Section 2.08.050 Election of Officers: Terms.

- A. At the first regular meeting of each calendar year, the board of directors shall elect, from among its members, officers to fill the positions of president, vice president, secretary and treasurer. The president may not hold any other office of the district concurrently.
- B. Officers shall serve for a term of one year or until the end of their elected term, whichever comes first. Should an officer of the board fail to complete his or her official term of office (as distinguished from his or her elected term of office) for any reason, the board shall, at its first regular meeting following the seating of the member's successor, elect a member of the board to fill the balance of the term.
- C. At the board's option and with the affirmative vote of at least three directors, at any meeting, special or regular, new officers of the Board may be elected, but only in the event of a change in Board membership.

Section 2.08.060 Quorum.

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A majority of the members of the board of directors of the district shall constitute a quorum for the transaction of business.

Section 2.08.070 Transaction of Business: Procedure.

The board of directors of the district shall act only by ordinance, resolution or motion.

- A. On all ordinances, the roll shall be called and the ayes and noes recorded in the minutes (journal) of the proceedings of the board of directors.
- B. Resolutions, motions and orders may be adopted by a voice vote, but on demand of any member, the roll shall be called and the vote recorded.
- C. No ordinance, motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board.

The business of this district shall be conducted and its financial transactions recorded upon the basis of a fiscal year commencing July 1st of each year and ending June 30th of the calendar year following.

Section 2.08.080 Rules of Procedure: Presiding Officer Designated.

- A. The president shall preside at all meetings and shall have a vote on all matters before the board. In the absence of the president, the vice president shall preside, and in the absence of both, the presiding officer shall be elected by a majority vote of the members of the board.
- B. Except as otherwise provided below or by law or ordinance adopted by this board, "Robert's Rules of Order, Revised" are adopted as the rules of practice and procedure governing the conduct of the business and procedure before this board.
- C. Members of the board are advised to submit clarifying questions on board meeting agenda items to the general manager by noon (12:00 pm) on the Monday before the regular board meeting in order to give the general manager and staff the ability to review and potentially answer such questions in advance of the board meeting.
- D. During the board meeting, members of the board shall be given three minutes each to ask staff and/or presenters questions about an individual agenda item unless otherwise authorized to be given more time by a majority vote of the board members present or the presiding officer. Each board member can yield his/her time to another board member if desired.
- E. Once a motion has been made and seconded, members of the board shall be given three minutes each for discussion on an individual agenda item unless otherwise authorized to be given more time by a majority vote of the board members present or the presiding officer. Each board member can yield his/her time to another board member if desired.

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- F. Notwithstanding any provision of Robert's Rules or the Legislative Code to the contrary, any board member can "call for the question" at any time during an agenda item and if 2/3 of the board members present vote to approve the "call for the question," then discussion on the agenda item will cease immediately and the subject item will be brought to a vote.

Section 2.08.090 Minutes of the Meetings and Other Records.

- A. The minutes of the meetings of the board of directors shall be recorded and kept by the administrative secretary. Unless otherwise expressly directed by the board at the time of their adoption, all ordinances and resolutions adopted by the board may be referred to in the minutes of the meetings of the board by number and title, but the same shall be recorded in full in books kept for that purpose.
- B. The president or other person, who may preside at the meeting, or the secretary, shall authenticate the minutes, ordinances and resolutions and these shall constitute the official minutes, ordinances and resolutions of the board of directors of the Ramona Municipal Water District.

Section 2.08.100 Order of Business.

The order of business at meetings of the board of directors shall be as determined from time to time by the board of directors. Procedures for a director to place an item on the agenda can be found in RMWD's Legislative Code Section 2.10.080.

Section 2.08.120 Policy for Handling Written Submissions.

During Public Meetings

- A. Staff will file all written submissions to the district in the appropriate files, whether or not the submitter has requested that the submission become part of the record of proceedings before the board.
- B. Staff will handle correspondence addressed to members of the board.
- C. Staff will not read submissions aloud at meetings of the board.
- D. This policy does not limit the right of any person pursuant to the Brown Act to address the board at any public meeting regarding any subject within the jurisdiction of the board.

Section 2.08.130 Other Offices: Duties.

- A. The board of directors shall designate the treasurer, the general manager and such other persons as may be authorized by the board of directors, to be authorized signers on District accounts to issue payments for obligations of the District.

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- B. The attorney shall be the legal advisor of the district and shall perform such duties as may be prescribed by the board of directors.
- C. The board of directors shall designate a depository or depositories to have the custody of the funds of the district, who shall give security sufficient to secure the district against possible loss and who shall be authorized by the board of directors.
- D. The secretary, the treasurer and all other officers employed who may be required to furnish bond by the board of directors, shall give bonds conditioned for the faithful performance of their duties; and the premiums of such bonds shall be paid by the district.

Section 2.08.140 Compensation.

- A. Basis in Law. California Water Code Section 71255, entitled Compensation Expenses states: "Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100.00) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board." For the purposes of this Section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to this Chapter 2.08.
- B. Days of Service Defined. For the Ramona Municipal Water District, a "day" of attendance or service by a director is defined as follows:
 - 1. Participation in a scheduled regular board meeting, adjourned board meeting, or special board meeting, or emergency board meeting;
 - 2. Participation in a meeting of a board-appointed committee of which the director is a member, and other meetings, conventions, seminars, training sessions or special assignments which is requested or specifically authorized by the board with the exception of ad hoc committee meetings.
- C. Authorization.
 - 1. Compensation for participation in meetings of the full board is authorized as attended.
 - 2. Compensation for board-appointed committee meetings, other meetings, conventions, seminars, training sessions or special assignments to a director that are not characterized as meetings or sessions as above, require special authorization by the board prior to attendance.
- D. Limitations.
 - 1. In accordance with Code Section 71255, no more than six days' compensation in any calendar month is allowed.

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2. Days of meeting attendance or service can be considered for compensation purposes only in the month in which they occurred. No carry-over is permitted.
3. If more than one meeting, session seminar, etc. occurs on one calendar date, only one day's compensation is allowed. The day of the meeting is the date on which it starts.

E. Claim Form.

1. Reimbursement for directors' day compensation shall be claimed on a special form provided by the district for that purpose. The form will contain information blocks and endorsement blocks as indicated on the attached form entitled, "CLAIM FOR DIRECTORS' COMPENSATION," but the detail of the form may be changed from time to time as recommended by management and approved by the board.
2. A day compensation claim shall be submitted by a director for each month in which he/she had meetings or authorized assignments. Directors are urged to submit their claims as soon as possible after the end of the month.
3. Director's day compensation forms shall be reviewed and endorsed by management, processed by district accounting and subjected to board audit as are other accounts payable.

F. Travel Expenses.

1. Round-trip mileage expenses from a director's home to the meeting place within the district are reimbursable for a maximum of six authorized meetings attended in a calendar month.
2. Reimbursement per mile for automobile travel shall be equal to the standard rate in effect for business miles deduction by the United States Internal Revenue Service as such rate is established from time to time.
3. A director is entitled to expenses associated with travel to board-authorized meetings or other assignments outside the Ramona Municipal Water District, which constitute the performance of official duties, in addition to his/her days of compensation. The six day monthly limit on days of compensation shall not prevent reimbursement for a maximum of ten authorized meetings attended in a calendar month.
4. Directors shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging, when available. If conference or event expenses are prepaid by the District and a director cancels or fails to attend the event or conference, the director will notify the administrative secretary as soon as possible to ensure credit or reimbursement of costs.

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5. If the lodging is in connection with a conference or organized, educational activity conducted in compliance with this Policy, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the director at the time of booking. If the group rate is not available, the director shall use comparable lodging that is consistent with the requirements of this Policy.
 6. Upon returning from board-authorized meetings or other assignments outside the Ramona Municipal Water District, which constitute the performance of official duties, for which the actual and necessary expenses are reimbursed by the Ramona Municipal Water District, directors shall either prepare a written report for distribution to the board at the next regular board meeting or make a verbal report during the next regular board meeting. Said written or verbal report shall detail the information that may be of benefit to the Ramona Municipal Water District that was presented at the seminar, workshop, conference, or other occasion which constitutes the performance of official duties.
 7. Directors' travel expenses, together with valid receipts, shall be claimed under the same rules and procedures that apply to senior district employees. Expenses for which receipts are not available will be reimbursed with an explanation included in the expense report for accounting backup.
- G. Other Expenses. Other expenses associated with the directors' duties and not associated with authorized travel, for example, stationery and other supplies, are not reimbursable unless specially authorized by the board. If authorized, these other expenses must be supported by the receipts and claimed according to procedures designated by the general manager.

Section 2.08.150 Compensation for Attending Litigation.

- A. Present and past directors of the Ramona Municipal Water District shall be reimbursed for mileage at the rate in effect at the time of their attendance at any deposition(s) / trial(s) or other meetings involving district litigation.
- B. Present and past directors shall be reimbursed for parking fees.
- C. The above recommendations shall be applicable only in the event that the present and past directors are not individually sued or co-defendants with the Ramona Municipal Water District.

Section 2.08.160 Board Members Prohibited from Agreements/Contracts with District for One Year After Leaving Office.

It is the policy of the district that any person who is currently working for or who will work in any future date in the capacity of director for the Ramona Municipal Water District shall not be

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permitted to perform work for the district as a contractor, paid consultant or employee for a period of one year from his or her leaving office date.

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Chapter 2.10

BOARD AND STAFF CONDUCT AND RELATIONSHIPS: GENERAL GUIDELINES

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Section 2.10.030	Board to Staff.
Section 2.10.040	Board, General Manager and Staff to Attorneys.
Section 2.10.050	Board to Consultants.
Section 2.10.060	Board to Other Agencies.
Section 2.10.070	Communications.
Section 2.10.080	Procedure for Placing Items on the Agenda.
Section 2.10.090	Committees.
Section 2.10.091	Participation in Standing Committee Meetings.
Section 2.10.100	Miscellaneous.

Section 2.10.010 General Provisions.

- A. This chapter of the Legislative Code is commonly referred to as “Policy Number 1”.
- B. The board is the elected governing body of the district and is accountable to the public for the district's services, finances, establishment of policy and staff performance. The functions of the board are performed by the board as a whole, and no individual director shall have the power to alter or amend board policy or directions. All public statements of board policy and direction should reflect the viewpoint of a board majority, notwithstanding a minority report.
- C. The general manager is accountable to the board, through a delegation of authority, for the implementation of board policy and directions and is responsible for the day-to-day administration of the district's services finances and personnel. The general manager shall act as the primary, but not exclusive, point of contact between the board and the staff.
- D. The staff is responsible for performing administrative functions assigned by the general manager, or his or her designee, in implementing board policy and directions. Direction to the staff shall come through formal job descriptions or by directives from the general manager or his or her designee.
- E. Attorneys and consultants are retained by the board, and are solely accountable to the board.

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Section 2.10.020 Board to General Manager.

- A. The board shall hire a general manager, establish his or her compensation and define the conditions of his or her employment. The general manager shall serve at the pleasure of the board.
- B. The general manager is responsible for performing any functions, specific or general, assigned by the board, either in the form of a job description or board direction.
- C. The general manager shall recommend, and the board shall approve, the organizational structure of the district.
- D. The general manager shall, with the counsel and concurrence of the board, hire or appoint management level personnel which report directly to the general manager. Their compensation ranges shall be recommended by the general manager and established by the board.
- E. The general manager shall hire all other personnel at his or her sole discretion. Their compensation ranges shall be recommended by the general manager and established by the board.
- F. The board shall approve all memoranda of understandings with employee groups.
- G. The general manager shall not become involved in policy discussions, except to comment on the administrative and fiscal ramifications of the policies being discussed or considered.
- H. The general manager shall take direction only from a board majority, or from a duly appointed committee, acting within the scope of its authority and in accordance with direction from the board. The general manager shall not promote or advocate positions advanced by less than a board majority and shall disregard conflicting directions given by individual directors.
- I. The general manager shall act as the primary but not exclusive, point of contact between the board and the staff.
- J. Complaints and requests to directors from constituents shall be referred to the general manager, or his or her designee, and the general manager, or his or her designee, shall look into the matter and report back to the director on any action taken.
- K. The general manager shall provide such reports for the board as requested, including but not limited to:
 - 1. Status reports on board directed activities.
 - 2. Financial reports.
 - 3. Project status reports.

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4. Updates on operations, maintenance, construction and personnel matters.
5. Emergency reports.
6. Monthly Reports.

Section 2.10.030 Board to Staff.

- A. The staff shall take administrative direction only from the general manager. The staff shall disregard policy or administrative direction from individual directors, except as specified elsewhere in this section.
- B. Individual directors are not authorized to request the creation of reports or analyses from the staff. The staff shall disregard any such requests. If any director believes that a particular report or analysis is necessary, the matter shall be brought to the board prior to being requested of the staff.
- C. Individual directors shall have direct access to the staff for the purpose of asking brief questions about, or seeking brief clarifications of, issues properly brought before the board. Such brief contacts between directors and staff require that the general manager be notified of the contact and the nature of the inquiry by the staff.
- D. Individual directors intending to use more than 5 minutes of any staff member's time shall be required to make an appointment with said staff member one business day in advance. Contacts with staff members are to be limited to a cumulative three (3) hours in any one week. Contact between directors and the general manager shall be without limitation, but within regular district business hours.
- E. Individual directors shall be granted access to all existing, available, and legally disclosable documents at the district. Requests for documents shall be made through the general manager's office. All requested documents shall be provided to the director making the request within ten business days. All other directors shall be notified of the requests and the documents provided shall be made available to them upon their request.
- F. Staff members shall not be precluded from speaking with directors. However, all complaints or matters of internal discipline shall follow the established chain of command.

Section 2.10.040 Board, General Manager and Staff to Attorneys.

- A. The board may hire attorneys as needed and establish their compensation. Attorneys shall work under the direction of the board or its designee and shall serve at the pleasure of the board or its designee.

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- B. Attorneys shall not become involved in policy discussions, except to comment on the legal ramifications of the policies being discussed or considered.
- C. Attorneys shall take direction from a board majority, from a duly appointed committee acting within the scope of its authority and in accordance with direction from a board majority, from the board president, or from any two directors acting in conjunction, except as specified elsewhere in this section.
- D. Any director may request a verbal opinion on any issue from attorneys at all meetings where attorneys are present, including but not limited to clarification of individual conflicts of interest which bear on the director's ability to participate in a vote provided such verbal opinions do not cause the district to incur additional legal fees.
- E. Attorneys shall not respond to individual requests of a personal nature.
- F. The general manager shall be the exclusive point of contact between the staff and attorneys for the assignment of work.
- G. The general manager shall be authorized to contact attorneys at his or her discretion subject to review and restraint by the board.

Section 2.10.050 Board to Consultants.

- A. The board may hire consultants from time to time and establish their compensation. Consultants shall work under the direction of the board or its designee and shall serve at the pleasure of the board or its designee.
- B. Consultants shall not become involved in policy discussions, except to comment on areas within their expertise and as defined in the scope of their contract.
- C. Consultants shall take direction only from a board majority, from a duly appointed committee, acting within the scope of its authority and in accordance with direction from the board, or from its designee. Consultants shall disregard conflicting direction given by individual directors.

Section 2.10.060 Board to Other Agencies.

- A. Directors may contact elected officials or staffs of other agencies, on behalf of the board, only with direction from the board. When representing the board, directors' comments should reflect approved board policies or, in areas where no policy has yet been developed, the viewpoint of a majority of the board. If the board's viewpoint is unclear or not known, this should be stated. Directors should not add personal editorial comments.
- B. Directors may contact other agencies and reference the fact that he or she is a Director of the RMWD. However, if such representations are made, directors shall set forth, in the communication, affirmative disclaimers setting forth that

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neither the communication, nor its contents, have been approved by the board and that the communication reflects the opinion of the individual director.

Section 2.10.070 Communications.

- A. All directors shall be notified immediately upon the onset of any major emergency situation or major undertaking of the district. A major emergency may result from natural disasters such as fires, floods or earthquakes, or situations that may lead to impairment of the public's health, safety or welfare if not immediately attended to. Written reports concerning all emergencies or major undertakings of the district shall be prepared as soon as is practical.
- B. All correspondence or final reports directed to the board or to individual directors, or communications from other agencies, shall be provided to the directors.

Section 2.10.080 Procedure for Placing Items on the Agenda.

- A. A majority of the board may request items to be placed on future agendas at its regular meetings. In addition, each and every director is authorized to place an item on the agenda by following the guidelines set forth in this section. The item must be relevant to RMWD business, must be in written form using the agency's standard agenda memo template, and the request along with a prepared agenda memo and any attachments must be sent to the General Manager by 10:00 a.m. on the Thursday prior to the Board meeting to be included on the next agenda. Individual directors are solely responsible for preparing and presenting their items to the board of directors.
- B. Items placed on the agenda by an individual director shall not be accompanied by any report or analysis from staff. All material submitted by the individual director, which must include a standard agenda memo, shall be included in the agenda packet.
- C. If an item is scheduled to be brought back to the board at a later date, it may be brought back early if any two directors request it.

Section 2.10.090 Committees.

- A. To facilitate the fulfillment of its responsibilities, the board may, from time to time, establish standing, ad hoc, or citizen committees, as provided by the Government and Water Codes.
- B. The board, or the president of the board, may appoint standing and ad hoc committees. The board may appoint citizen committees.
- C. The purpose, scope and terms of committee operation shall be defined in the minutes of the board meeting at which the committee was established.

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- D. Committee assignments are to accomplish specific tasks or undertake specific studies for the benefit of the board and are not intended to create a special sphere of influence for individual directors.
- E. Each committee will operate within the purpose and scope defined by the board. If additional activities appear necessary to the completion of the assigned task, the committee may request additional authorization from the board.
- F. Committees shall keep the board apprised of their activities on a periodic basis and shall make a full report to the board at the completion of their term.

Section 2.10.091 Participation in Standing Committee Meetings

For all standing committees, neither the board nor presiding officer shall appoint a quorum of the board to any committee nor allow a quorum of the board to deliberate or vote on a committee decision or recommendation to the full board at a standing committee meeting.

Section 2.10.100 Miscellaneous.

- A. District credit cards shall only be used for district business. No employee shall use a district credit card for personal business.
- B. Policy Number 1 shall not be used for any purpose not specifically outlined within the body of the policy.
- C. If any paragraph of this Policy Number 1 is found to be unenforceable or contrary to law, the remaining provisions shall remain in full force and effect.

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Chapter 2.16

CONFLICT OF INTEREST CODE

Contents:

Section 2.16.010 Conflict of Interest Code.

Section 2.16.010 Conflict of Interest Code.

The district's Conflict of Interest Code must be reviewed every even-numbered year and updated if necessary. The most recent Conflict of Interest Code of the Ramona Municipal Water District was adopted by resolution of the Board of Directors and is on file with the district offices for public inspection.

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Chapter 2.20

CODE OF ETHICS

Contents:

Section 2.20.010	Purpose.
Section 2.20.020	Background.
Section 2.20.030	Applicability of Other Laws.
Section 2.20.040	Policy.
Section 2.20.050	Ethics Training.
Section 2.20.060	Revolving Door Restriction.

Section 2.20.010 Purpose.

The purpose of this chapter is to adopt a code of ethics setting standards of conduct for all elected officials, officers, appointees and employees of the Ramona Municipal Water District. This policy is not intended to supersede, negate or otherwise invalidate any statute, ordinance or district rule or regulation.

Section 2.20.020 Background.

Every citizen of the Ramona Municipal Water District is entitled to have complete confidence in the integrity of local government. Each elected official, officer, appointee and employee of the Ramona Municipal Water District must help to earn that confidence by his/her own integrity and conduct.

Section 2.20.030 Applicability of Other Laws.

Nothing in this code of ethics shall exempt any person from complying with any laws which apply to the conduct of public officials including, but not limited to the following: the Political Reform Act (Gov. Code 8100-91015), the Ralph M. Brown Act (Gov. Code 54950-54962), the Public Records Act (Gov. Code 6250-6265) and Gov. Code 1090-1098 prohibiting conflict of interest in public contracts.

Section 2.20.040 Policy.

It is the policy of the board of directors that the following code of ethics be adopted for all elected officials, officers, appointees and employees of the Ramona Municipal Water District.

- A. First: no elected official, officer, appointee or employee of the Ramona Municipal Water District shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of such duties.

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- B. Second: no elected official, officer, appointee or employee shall engage in any of the following:
1. Using the prestige or influence of the district office or employment for private gain or advantage of himself, herself or another;
 2. Using time, facilities, equipment or supplies of the Ramona Municipal Water District for the private advantage of himself or herself or another;
 3. Using official information not available to the general public for his or her private advantage or that of another or otherwise deliberately misstate or misuse official information or reveal matters properly discussed in closed sessions of the district board;
 4. Receiving or accepting money or other consideration from anyone other than the Ramona Municipal Water District for the performance of acts done in the regular course of employment or duty;
 5. Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the Ramona Municipal Water District under circumstances from which it could reasonably be inferred that such was intended to influence him or her in his or her official employment or duties, or as a reward for official action;
 6. Engaging in or accepting private employment or rendering services for private interests when such is incompatible with the proper discharge of his or her official employment or duties;
 7. Knowingly participating in a meeting convened in violation of laws governing the conduct of public agency meetings.
- C. Third: every elected official, officer, appointee or employee of the Ramona Municipal Water District shall disclose completely the nature and extent of any interest, direct or indirect, which conflicts with their responsibility or duty and this policy.

Section 2.20.050 Ethics Training.

- A. The board of directors and board-designated employees shall complete at least two hours of ethics training at least once every two years within one year from the first day of office or service with the District. The ethics training course must be approved by the Fair Political Practices Commission and the California Attorney General in accordance with Section 53235 of the Government Code.
- B. The District must maintain records evidencing the date upon which the ethics training was completed and the identity of the ethics training provider. The District shall maintain the records of at least (5) five years from the date upon which the training was completed.

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Section 2.20.060 Revolving Door Restriction.

- A. For a period of one year after leaving office and while on leave from office, members of the board of directors, the general manager and other chief administrators of the District may not represent, for compensation or promise of compensation, non-governmental entities before the Ramona Municipal Water District, if the appearance and communication is for the purpose of influencing District action.
- B. For purposes of this section, “represent” shall mean to actively support or oppose a particular decision in a proceeding by lobbying the officers or employees of the District or otherwise acting to influence officers or employees.
- C. Prohibited appearances and communications include those made for the purpose of influencing any administrative action or legislative action, or any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or sale or purchase of goods or property.
- D. Nothing in this section is intended or will be applied to prevent a former member of the board of directors, the general manager or other chief administrator of the District from participating in meetings of the Board in the same manner as other members of the public.
- E. Members of the board of directors, the general manager and other chief administrators of the District are prohibited from making, participating in making, or influencing governmental decisions directly relating to a prospective employer, while they are negotiating employment or after they have reached an employment arrangement.

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Chapter 2.24

JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS

Contents:

Section 2.24.010	Code of Civil Procedure: Applicability.
Section 2.24.020	Petition for Writ of Mandate to be Filed.
Section 2.24.030	Record of Proceedings: Preparation Costs.
Section 2.24.040	Filing of Petition: Extension.
Section 2.24.050	Final Decision.

Section 2.24.010 Code of Civil Procedure: Applicability.

- A. It is found and determined that the application of Section 1094.6 of the Code of Civil Procedure will provide an orderly and reasonable procedure for the review of administrative decisions.
- B. Section 1094.6 of the Code of Civil Procedure is made applicable to the administrative decisions of the Ramona Municipal Water District.

Section 2.24.020 Petition for Writ of Mandate to be Filed.

- A. Judicial review of any decision of the Ramona Municipal Water District, or of any commission, board, officer or agent of the Ramona Municipal Water District, may be had pursuant to Code of Civil Procedure Section 1094.6 only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this chapter.
- B. Any such petition shall be filed not later than the ninetieth day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision in any applicable provision of any statute, charter, ordinance or rule, for the purposes of this section, the decision is final on the date it is made. If there is such provision for reconsideration, the decision is final for the purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this section on the date that reconsideration is rejected.

Section 2.24.030 Record of Proceedings: Preparation Costs.

The complete record of the proceedings shall be prepared by the Ramona Municipal Water District, or its commission, board, officer or agent who made the decision and shall be delivered to the party requesting such record within one hundred ninety days after he has filed a written request therefore. A request for the preparation of the record of the proceedings shall be filed

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with the person designated in the final decision. Such person shall, within ten days of such request, notify the party of the estimated cost of the preparation of the requested record. The party requesting such record shall, within ten days of such notification, deposit with the person designated in the decision an amount sufficient to cover the estimated cost. If during the preparation of the record it appears that additional costs will be incurred, the party requesting such record may be notified and, if requested, shall deposit such additional amounts before the record will be completed. If the cost of the preparation of the record exceeds the amount deposited, the party who requested such record shall pay this additional amount. If the amount deposited exceeds the cost, the difference shall be returned to the party requesting such record. Upon receiving the required deposit, the person designated in the decision shall promptly prepare such record in accordance with the request. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the Ramona Municipal Water District, or its commission, board, officer or agent, all written evidence, and any other papers in the case.

Section 2.24.040 Filing of Petition: Extension.

If the party files a request for the record as specified in Section 2.24.030 within ten days after the date the decision becomes final as provided in Section 2.24.020(B), the time within which a petition pursuant to Code of Civil Procedure Section 1094.6 may be filed shall be extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party or his attorney of record, if he has one.

Section 2.24.050 Final Decision.

- A. As used in this section, "decision" means any adjudicatory administrative decision made, after hearing, suspending, demoting or dismissing an officer or employee, revoking or denying an application for a permit or a license, or denying an application for any retirement benefit or allowance.
- B. In making a final decision as defined in subsection A of this section, the Ramona Municipal Water District shall provide notice to the party that the time within which judicial review must be sought is governed by this section. Upon giving notice of any decision subject to this section, the person responsible to issue such decision shall include in the decision a statement substantially as follows:

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which has been made applicable in the Ramona Municipal Water District by Resolution No. 643. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with General

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Manager Ramona Municipal Water District, 105 Earlham Street, 848, Ramona, Ca. (name and address of designated person) 92065.

As used in this subsection, "party" means an officer or employee who has been suspended, demoted or dismissed; a person whose permit or license has been revoked or whose application for a permit or license has been denied; or a person whose application for a retirement benefit or allowance has been denied.

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Chapter 2.28

PUBLIC RECORDS ACT POLICY

Contents:

Section 2.28.010	Public Records Act Policy.
Section 2.28.020	Records Retention Policy.
Section 2.28.030	Electronic Mail Records Retention Policy.
Section 2.28.040	Review of Records Retention Schedule.
Section 2.28.050	Records Retention Schedule.

Section 2.28.010 Public Records Act Policy.

- A. Policy. It is the policy of the District that public records of the District shall be available by written request in accordance with the California Public Records Act ("Act"; Government Code section 6250 *et seq.*). Public records are all records of the District except those which are exempted from disclosure by the Act. This public records policy of the District shall be subject to the Act as it may be amended from time to time, and if there is any conflict between this policy and the Act, the Act shall prevail.
- B. Public Interest Exemption. The District may withhold from inspection any record that is exempt under the express provisions of the Act, and may withhold any other record if on the facts of the particular case the public interest served by not making a record public clearly outweighs the public interest served by disclosure of the record.
- C. Request for Public Records. Any person desiring to inspect any public record shall identify in writing the records desired to be inspected. This written request must be submitted to the District's General Manager. Verbal requests cannot be granted. Requests for public records must identify, with reasonable specificity, the public records sought. A copy of each public record subject to disclosure shall be provided after payment of the applicable copying fees as set forth in Section 2.44.020(d)(1) as may be amended by the Board of Directors. The District shall assist the member of the public to make a focused and effective request that reasonably describes an identifiable record or records in accordance with California Government Code section 6253.1.
- D. Decision and Right of Appeal. The General Manager of the District/Board shall determine within ten (10) days after the receipt of the request whether the requested record is subject to inspection. If the General Manager is uncertain whether the record is exempt from disclosure under the California Public Records Act or whether that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by the disclosure of the record, the General Manager shall consult with counsel for the District. If the General Manager determines that the records requested are

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not a public record, the General Manager shall notify the person making the request of such determination and the reasons therefore. In unusual circumstances, such as the need to search for, collect and examine a voluminous amount of separate and distinct documents, the General Manager may extend the time to make a determination, and the General Manager shall notify the person making the request of the reasons therefore, provided the extension is not for more ten (10) working days. The person seeking such inspection may appeal to the Board of Directors the decision of the General Manger not to permit inspection. Such appeal shall be made in writing and shall be filed with the Secretary not later than ten (10) workings days after the refusal of the General Manager to permit inspection.

- E. Decision of the Board. The Board of Directors shall consider and rule upon the appeal within thirty (30) days after the filing and shall notify the applicant in writing of this decision. If the applicant has filed a written appeal with the Board, the applicant shall be notified of the time and place of the meeting of the Board to consider the matter, and the applicant may appear in person before the Board when the matter is heard. If the Board fails to give written notice of its decision within thirty-five (35) days of filing of the appeal, the appeal shall be deemed denied.
- F. Place of Inspection. Inspection of public records shall be made only in the District office, and no document shall be removed from the premises. A representative of the District may be present during the inspection of any records.
- G. Reasonable Time. The District will make every effort to cooperate with the persons seeking to inspect documents; however, if the request is to inspect a substantial quantity of documents, documents not readily available or documents may first require review by legal counsel for privilege, the District shall have a reasonable period of time to collect such records and may require the inspection of such records to take place at a future date.
- H. Obtaining Copies of Identifiable Public Records. Any person may obtain a copy of a public record. Upon request, an exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the District. Any reasonably segmental portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law. A request for a copy of an identifiable public record or information produced there from, or a certified copy of such record shall be accompanied by payment of a reasonable fee covering the direct costs of duplication.

Section 2.28.020 Records Retention Policy.

- A. Purpose. The purpose of this policy is to provide guidelines to staff regarding the retention or disposal of Ramona Municipal Water District records; to provide for the identification, maintenance, safeguarding, and disposal of records in the normal course of business; to ensure prompt and accurate retrieval of records; and to ensure compliance with legal and regulatory requirements. The Board of Directors authorizes the General Manager to interpret and implement this policy

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and to cause to be destroyed any and all records, papers, and documents that meet the specifications of this section.

- B. General Policy. District records will be retained and disposed of per this Records Retention Policy and the Records Retention Schedule set forth in Legislative Code Section 2.28.050. Public records of the District shall be available by written request in accordance with the California Public Records Act ("Act"; Gov. Code § 6250 *et seq.*).
- C. General Guidelines.
 - 1. The District shall retain all original documents for two years. The General Manager may authorize the destruction of any duplicate records, including duplicates less than two years old, if no longer needed (Gov. Code § 60200 *et seq.*). Except where a longer retention period is required hereunder, the District, with the General Manager's approval, may destroy any original document without retaining a record of copy of the document.
 - 2. Notwithstanding any other provision of this section or other provision of law, the District may not destroy or dispose of any record that is any of the following:
 - a. Relates to formation, change of organization, or reorganization of the District.
 - b. An ordinance adopted by the District. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
 - c. Minutes of any meeting of the legislative body of the District.
 - d. Relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years.
 - e. Is the subject of any pending request made pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied.
 - f. Relates to any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented.
 - g. Relates to any nondischarged debt of the District.
 - h. Relates to the title to real property in which the District has an interest.
 - i. Relates to any nondischarged contract to which the District is a party.

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- j. Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received.
 - k. Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.
 - l. Specifies the amount of compensation paid to District employees or officers or to independent contractors providing personal or professional services to the District, or relates to expense reimbursement to District officers or employees or to the use of District paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.
- D. Specific Guidelines. For guidance as to the retention period of a specific type of record, please see the Record Retention Schedule (Leg. Code § 2.28.050).
- E. Storage and Archives. Archived records shall be stored in standardized storage boxes with labeling which clearly identifies (1) contents; (2) originating department/division; and (3) the “destroy after” or “do not destroy” designation. Annually, the custodian of the storage sea train shall review the archived records and make arrangement to destroy records, as designated by the labels.
- F. Method of Destruction. Records shall be destroyed as permitted by law. This includes burning, shredding, or any other method of destruction approved by the General Manager.

Section 2.28.030 Electronic Mail Records Retention Policy.

- A. Email generates correspondence and other documentation which may be recognized as records which must be retained in accordance with the District's policies.
- B. As such, as may be applicable, emails shall be retained by the District pursuant to this Chapter 2.28 of the Legislative Code.
- C. Emails, including attachments, which are required to be retained per District policy, should be hard copied and filed according to the District's Records Retention Policy. The sender of the email is the responsible party for hard copying and filing, but persons responsible for a particular program or project shall be responsible for retaining all e-mails they send or receive related to said item.
- D. Individual District employees are responsible for management and deletion of emails in their mailboxes.

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- E. If the District receives requests for documents pursuant to the Public Records Act, subpoena, or court order, then the employees having control over said emails shall temporarily preserve said emails until such time it is determined by the General Manager that said emails are no longer subject to preservation, public inspection, or disclosure.
- F. In the event of a request for records under the Public Records Act, or demands by subpoena or court order for the production of evidence in connection with litigation, the employee having control over said email files, and being aware of the request or demand, shall immediately print and transmit a hard copy of any computer files that either or may be responsive to the request or subpoena.
- G. In the event of litigation or threatened litigation in Federal Court, the District is required by law to keep all emails related to the dispute in its back-up system or by printing a copy of the emails and placing them into the appropriate file for the matter. Emails that are related to litigation or threatened litigation shall not be destroyed as such conduct may subject the District and the employee to sanctions in court.

Section 2.28.040 Review of Records Retention Schedule.

District staff will review the Records Retention Schedule annually and provide recommendations to the Board of Directors if changes are required.

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Section 2.28.050 Records Retention Schedule.

RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
ADMIN (LEGISLATIVE) CODE consists of the Board approved policies for operating the District. The master document updates each time new policies are adopted by the Board of Directors	Admin Services	Current, until revised	Secretary of State Guidelines, GC 12236
ADVERTISEMENTS notices relating to job openings, promotions, training programs, or overtime opportunities, and results of any aptitude tests or physical exams administered by employer	Admin Services	1 year	29 CFR 1627.3
AFFIRMATIVE ACTION/ ETHNICITY DISCLOSURES	Admin Services	Active (until revised)	Secretary of State Guidelines, GC 12236, 29 CFR 1602 et seq.
AGREEMENTS/CONTRACTS design, planning or construction contracts, and agreements between the District and other entities	Admin Services	Film, and destroy after 10 years	CCP 337.15 (10 yrs for latent defects)
AGREEMENTS/CONTRACTS original contracts and agreements and back up materials, including leases	Admin Services	4 years after termination/ completion	CCP 337 CCP 337.2
APPRAISALS	Admin Services	May be destroyed at any time	GC 6254 (h) Not a public record until real estate action complete
ASSOCIATION FILES consist of minutes or other information re associations that the District holds membership.	Admin Services	10 years	
ATTORNEY FILES/ LEGAL OPINIONS [Confidential] Files consist of communications and Brown Act references	Admin Services	Until issue resolved + 1 year	Secretary of State Guidelines, GC 12236
BENEFITS CONTRACTS	Admin Services	Permanent	New
BENEFITS PLAN FILE	Admin Services	End of plan + 1 yr	29 CFR 1627.3
BOARD ACTIVITIES consist of conference information, travel arrangements related to Director activities	Admin Services	Permanent	
BOARD AGENDA PACKET consist of agenda item back up materials	Admin Services	May be destroyed if its administrative/ fiscal/legal purpose was fulfilled	GC 60201 (d) (10)
BOARD CAMPAIGN STATEMENTS original campaign statements of District candidates and supporting committees, including statements of organization and registration statements	Admin Services	7 years	GC 81009 (c)
BOARD MINUTES Signed official Board of Director meeting minutes	Admin Services	Permanent	GC 60201 (d)
BUILDING MAINTENANCE/ LEASES	Admin Services	Active until lease terminates	Secretary of State Guidelines, GC 12236
CAL/PERS ACTUARIES	Admin Services	Permanent	
CLAIMS RECORDS Any records regarding pending claims against the District or settlements or other disposition of litigation	Admin Services	2 years	GC 60201(d)
COMMUNICATIONS chronological files, controlled, and reproduction/printing requests	Admin Services	2 years	Secretary of State Guidelines, GC 12236

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
COMMUNICATIONS CONTRACT for Communications equipment	Admin Services	4 years after termination/ completion	CCP 337 CCP 337.2
COMMUNICATIONS general/public, reports, and subject files	Admin Services	3 years	Secretary of State Guidelines, GC 12236
CONFERENCES/ COMMITTEES	Admin Services	3 years	Secretary of State Guidelines, GC 12236, GC 60201, 12946
CONFLICT OF INTEREST FILES consists of completed 700 forms and code for Board members and some employees	Admin Services	7 years	
CORRESPONDENCE General	Admin Services	3 years	Secretary of State Guidelines, GC 12236
COURT RECORDS	Admin Services	10 years except as otherwise provided	GC 68152
COURT RECORDS FOR EMINENT DOMAIN	Admin Services	Permanent	GC 68152
COURT RECORDS FOR REAL PROPERTY ACTIONS affecting title or an interest in real property	Admin Services	Permanent	GC 68152
DAMAGES TO DISTRICT PROPERTY	Admin Services	Audit + 6 yrs	New
DEFERRED COMPENSATION consists of employee summary	Admin Services	3 years	29 CFR 1627.3, 29 CFR 516.5
DISTRICT HISTORICAL FILES & INFORMATION newsletters produced by the District, newspaper articles, historical notes, film	Admin Services	May be destroyed once administrative/ fiscal/legal purpose has been fulfilled	GC 60201 (d) (10)
DISTRICT POLICIES AND PROCEDURES all District directives not assigned a resolution number	Admin Services	Current, until revised	Secretary of State Guidelines, GC 12236
ELECTION ADMINISTRATIVE DOCUMENTS NOT ballots, lists or applications	Admin Services	May be destroyed once administrative/ fiscal/legal purpose has been fulfilled	GC 60201 (d) (10)
ELECTION AFFIDAVIT INDEX	Admin Services	5 years	EC 17001
ELECTION BALLOTS AND RELATED DOCUMENTS all ballot cards, unused absentee ballots, ballot receipts, absent voter ID envelopes, absentee applications, tallying sheets, voting machine tabulation, final results, election officials' package of documents	Admin Services	6 months	EC 17302, 17304, 17306, 17505
ELECTION BALLOTS Prop 218 (Assessment Districts)	Admin Services	Permanent	California Constitution Art. XIII
ELECTION NOMINATION DOCUMENTS - unsuccessful	Admin Services	5 years	GC 81009(b)
ELECTION NOMINATION DOCUMENTS, SUCCESSFUL all nomination documents and signatures in lieu of filing petitions	Admin Services	during term + 4 years	EC 17001
ELECTION PETITIONS Initiative/Recall/ Ref. Charter Amendments – documents resulting in an election, and NOT resulting in an election. Not Public	Admin Services	8 months	EC 17200, 17400, GC 6253.5 GC 34458-60

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
Records			
ELECTION PRECINCT RECORDS Precinct official material, declaration of intention, board member apps, orders appointing board and designating polling places, appointment of office and record of service	Admin Services	5 months	EC 17503
ELECTION ROSTER OF VOTERS, VOTER AFFIDAVITS, VOTER REGISTRATION SIGNATURE COPY	Admin Services	5 years	EC 17000, 170001, 17300
EMERGENCY (HAZ MAT) BUSINESS PLANS includes location of hazardous chemicals, emergency phone numbers, employee's hazmat trained	Admin Services	Permanent, Updated periodically	Secretary of State Guidelines, GC 12236
EMERGENCY PREPAREDNESS	Admin Services	Until revised	Secretary of State Guidelines, GC 12236
EMERGENCY RESPONSE PLAN lists local agency phone numbers, equipment, contact information and general procedures	Admin Services	Permanent, Updated periodically	Secretary of State Guidelines, GC 12236
EMPLOYEE ASSOCIATION FILES	Admin Services	Permanent	
EMPLOYEE BENEFIT FILE includes employee forms and information	Admin Services	3 years	29 CFR 1627.3
EMPLOYEE MEDICAL FILES may include FMLA, medical records, exposure records, workers comp claims (for employees < 1 yr, no need to retain if given to employee upon termination) [Not a Public Record]	Admin Services	Length of employment + 30 yrs Except the following employee exposure records: health insurance claims records; first aid records for one-time treatment; and medical records of employees of < 1 year if given to employee at termination (no minimum retention)	29 CFR 1920.1020, 8 CCR 3204, GC 6254 (c) Separate from personnel files upon termination
EMPLOYEE PERSONNEL FILES – CONTRACTS records of an employee hired under a written contract, including performance reviews, documentation of deficiency and dereliction	Admin Services	4 years	CCP 337
EMPLOYEE PERSONNEL FILES including employee information (name, address, date of birth), training and performance evaluations, merit awards, disciplinary actions, oaths of office, ID cards	Admin Services	Length of employment + 3 years	29 CFR 1627.3, GC 12946
EMPLOYEE RECRUITMENT Applications, (including those not hired), personnel, membership or employment referral records and files, including terminated employees [NOT a public record]	Admin Services	2 years	GC 12946, GC 6254 (c), 29 CFR 1627.3
EMPLOYEE RIGHTS – GENERAL	Admin Services	Length of employment + 2 years	29 CFR 1602.31, GC 12946
EMPLOYMENT ELIGIBILITY VERIFICATION (I-9 Forms) Federal Immigration and Nationality Act, Immigration reform/Control Act	Admin Services	3 years after hire, or 1 year after termination	8USC 1324a (b)(3)

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
EMPLOYMENT WAGE RATES, JOB CLASSIFICATIONS and records of other terms of employment for all employees	Admin Services	7 years	GC 60201, LC 1197.5(d), 29 CFR 516.6, 516.7
ETHICS TRAINING RECORDS must show dates, and entity providing training	Admin Services	5 years after training	GC 53235.2 (AB 1234)
EXPOSURE RECORDS DATA background data to environmental workplace monitoring or measuring (e.g. laboratory reports and worksheets)	Admin Services	1 year, provided sampling results, sampling plan, a description of the methods used and a summary of relevant data are retained for 30 years	8 CCR 3204(d) (1) (B) (1)
FAMILY AND MEDICAL LEAVE ACT records of leave taken, District policies and communications regarding leave, notices	Admin Services	While employed + 3 years (Federal) or 2 years (State)	29 CFR 825.500, GC 12946
GRIEVANCES/ ACTION REQUESTS	Admin Services	Until complaint is fully disposed and terminated	GC 12946
HARDWARE/ SOFTWARE DOCUMENTATION	Admin Services	Until revised/ rescinded	Secretary of State Guidelines, GC 12236
HAZ WOPER identifies hazardous chemicals, information on what to do and how to handle/train for hazardous situations	Admin Services	Permanent	8 CCR 5172; 29 CFR 1010
HAZARDOUS MATERIALS/RIGHT TO KNOW Information on chemicals, their locations and quantity (required by federal regulation; NOT employee records)	Admin Services	Permanent	29 CFR 1910. 1200
INJURY & ILLNEESS PROTECTION PROGRAM (IIPP)	Admin Services	Permanent, keep updated	8 CCR 3203
INSPECTION REPORTS as required by County – approved permits	Admin Services	10 years	
INSURANCE CERTIFICATES Liability, performance bonds, certificates filed separate from contracts including those filed by licensees	Admin Services	May be destroyed if its administrative/ fiscal/legal purpose was fulfilled	GC 60201 (d) (10)
INSURANCE FILES consist of claims, reports, and liability certificates	Admin Services	May be destroyed once administrative/ fiscal/legal purpose has been fulfilled	GC 60201 (d) (10)
INSURANCE LIABILITY/PROPERTY May include certificates of participation, deferred, use of facilities	Admin Services	May be destroyed if its administrative/ fiscal/legal purpose was fulfilled	GC 60201 (d) (10)
INSURANCE RISK MANAGEMENT REPORTS Federal OSHA forms, safety reports, actuarial studies	Admin Services	5 years	29 CFR 1904.44 (Federal)
INTERNET/ INFORMATION SERVICES (LAN/WAN)- management policies and supporting documentation, hardware/software inventory logs	Admin Services	May be destroyed once administrative/ fiscal/legal purpose has been fulfilled	GC 60201 (d) (10)

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
LABOR RELATIONS/ COLLECTIVE BARGAINING	Admin Services	3 years	29 CFR 516.5, 516.7
MEMORANDUM OF UNDERSTANDING (MOU) between the District and other entities	Admin Services	May be destroyed once administrative/ fiscal/legal purpose has been fulfilled	GC 60201 (d) (10)
MONTHLY REPORTS consist of reports to the General Manager as submitted by each department manager	Admin Services	Permanent	
NOTICES PUBLIC/LEGAL includes notices of special Board meetings, Board vacancies and boundary changes	Admin Services	May be destroyed once administrative/ fiscal/legal purpose has been fulfilled	GC 60201 (d) (10)
OATHS OF OFFICE elected and public officials, Board Members	Admin Services	Current + 6 years	29 USC 1113
ORDINANCES official Board of Director approved ordinances	Admin Services	Permanent or 5 years after repealed	GC 60201 (d)
OSHA REPORTS log and summary and annual summary of occupational injuries and illnesses, supplementary record for each injury or illness	Admin Services	5 years	8 CCR 14307, LC 6410, 29 CFR 1904.2-1904.6
PERMIT – HEALTH	Admin Services	Current + 2 yrs	
PERMIT - OPERATE Air Pollution Control City of San Diego	Admin Services	Current + 2 yrs	
PROPERTY ACQUISITION/DISPOSITION documents regarding sale/purchase/lease of property by District	Admin Services	10 years	CCP 337.15
PUBLIC HEARINGS	Admin Services	5 years	Secretary of State Guidelines, GC 12236
PUBLIC RECORDS subject to a pending Public Records Request	Admin Services	Until records are provided or 2 years from the date of denial of request	GC 60201(d)
PUBLIC RELATIONS clippings, press releases, speeches	Admin Services	2 years	Secretary of State Guidelines, GC 12236
RECORDINGS Videotaped meetings of legislative bodies – tapes of public meetings made at direct request	Admin Services	30 days	GC 54953.5
RECORDINGS Videotapes other than of public meetings, will be considered a duplicate if another record exists	Admin Services	90 days	GC 53161
RECORDS MANAGEMENT FILES destruction forms certificates of destruction, destruction authorization	Admin Services	4 years	Secretary of State Guidelines, GC 12236
RECORDS MANAGEMENT FILES forms file	Admin Services	Until revised/ rescinded/ superceded + 1 year	Secretary of State Guidelines, GC 12236
RECORDS MANAGEMENT FILES retention schedules, records transfer list	Admin Services	Until disposal of records	Secretary of State Guidelines, GC 12236

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
RECORDS OF FORMATION/CHANGES OF ORGANIZATION of the District	Admin Services	Permanent	GC 60201 (d)
RESOLUTIONS	Admin Services	May be destroyed once administrative/ fiscal/legal purpose has been fulfilled	GC 60201 (d) (10)
RESPIRATOR PROGRAM includes training for employees; when and how to use	Admin Services	Permanent, Reviewed and updated yearly	
SAFE WORK PRACTICES safety procedures for chemicals	Admin Services	Permanent, Updated every 3 yrs	8 CCR 5159
SAFETY DATA SHEETS (SDS) description of chemicals in the work place (as required by 8 CCR 5194)	Admin Services	May destroy if record of substance name and use is kept for 30 years	29 CFR 1910.1020 (c) 8 CCR 3204 (d)(1)(B)(2)
SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) FILES correspondence, reports, copies of agreements with this authority other than construction	Admin Services	Expired + 12 years	
STATISTICS /STUDIES	Admin Services	3 years	Secretary of State Guidelines, GC 12236
TRAINING RECORDS tracks safety training and equipment training	Admin Services	Permanent	
UNFULFILLED DOCUMENTS any record that has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received	Admin Services	Permanent	GC 60201 (d)
AS BUILT DRAWINGS Mylar drawings of District projects	Engineering	Permanent	Scanned images exist for some drawings
CATHODIC PROTECTION files include rectifier locations, maintenance records and test station records of readings	Engineering	Permanent	
CONSTRUCTION - BIDS OR PROPOSALS that were accepted by the District including plan and specifications; notices/affidavits	Engineering	10 years	CCP 337, 337.15
CONSTRUCTION - BIDS OR PROPOSALS that were NOT accepted by the District for the construction of any building, structure or other public work	Engineering	2 years	GC 60201 (d) (11)
CONSTRUCTION – PENDING any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented	Engineering	Permanent	GC 60201(d)
CONSTRUCTION – REQUEST FOR PROPOSALS	Engineering	3 years	Secretary of State Guidelines, GC 12236
DRAWINGS (blue lines) of District property and projects	Engineering	Project completion	
EASEMENTS/ENCROACHMENTS/ QUIT CLAIMS correspondence, deeds, recorded documents related to activities of obtaining such permissions	Engineering	Permanent (may not destroy original)	GC 60201 (d)(8)
ENVIRONMENTAL QUALITY - CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	Engineering	Permanent	CEQA Guidelines, GC 60201 (b)
FEASIBILITY STUDIES	Engineering	5 years	Secretary of State Guidelines, GC 6254 (h)
HYDRAULIC ANALYSIS reports that are required prior to start of certain projects	Engineering	Permanent	

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
INTERCONNECT files consist of connections with other cities	Engineering	Permanent	
LOT SPLITS records for temporary property maps	Engineering	Permanent	
MAPS original maps of District property	Engineering	May be destroyed once fiscal/ administrative/ legal purpose has been fulfilled	GC 60201 (d) (10)
MASTER PLAN for Ramona Municipal Water District includes final report, correspondence, CIP projects	Engineering	Permanent	
MATERIAL ISSUE SHEETS labor and material used on service orders	Engineering	Permanent	
PLANT PRINTS consist of original and rehabilitation of plant (size=11/17)	Engineering	Permanent	
PROJECT FILES a separate file is created for each District project and may include agreement/contract, amendments EIR certificate of insurance, correspondence	Engineering	Completion + 10 years	Secretary of State Guidelines= 4-7 yrs; Statute of Limitations for error & omissions= 10 yrs, CCP 337.15
PROPOSALS/BIDS successful – are considered part of project file	Engineering	Completion + 10 years	CCP 337.15
PROPOSALS/BIDS unsuccessful	Engineering	2 years	GC 60201 (d) (11)
RECLAIMED WATER APPLICATIONS	Engineering	Expired + 2 year	
SUB DIVISION FILES projects within the District may include correspondence, easements, pricing, maps	Engineering	Permanent	GC 60201 (d)(8)
TEMPORARY PARCEL MAP (TPM) includes availability and commitment forms and TPM procedures	Engineering	Permanent	
URBAN WATER MANAGEMENT PLAN REPORT	Engineering	Current + 8 years	
WATER AVAILABILITY LETTERS issued by County stating District is able to provide water to an APN	Engineering	Permanent	
WATER MANAGEMENT & DROUGHT SURVEYS	Engineering	Permanent	
ACCOUNTS PAYABLE A/P	Finance	4 years or until audited	Secretary of State Guidelines, GC 12236, CCP 337
ACCOUNTS RECEIVABLES A/R	Finance	4 years or until audited	Secretary of State Guidelines, GC 12236, CCP 337
ADMIN EXPENSE TRACKING	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
AGRICULTURE RATE LETTERS	Finance	30 yrs	

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
APPLICATION FOR RECLAIMED WATER METER	Finance	Closed + 3 yrs	
APPLICATION FOR WATER SERVICE	Finance	Closed + 3 yrs	
ASSESSMENTS/APPROPRIATION LIMITS monthly property report and annual submission	Finance	Audit + 6 fys	
AUDIT DOCUMENTS	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
BANK ACCOUNT RECONCILIATIONS includes bank statements, canceled checks, and certificates of deposit	Finance	4 years	26 CFR 31.6001(e)(2)
BANKRUPTCY CASES	Finance	Completed + 10 yrs	
BILLING REGISTER	Finance	2 years	29 CFR 516.6, 516.7
BILLING/ACCOUNTING REPORTS	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
BONDS – PAID/ CANCELLED, UNSOLD	Finance	May be destroyed	GC 53921, GC 43900 et seq.
BONDS – SURETY documentation created or received in connection with the performance of work/services for the District	Finance	4 years	CCP 337
BUDGET CHANGE PROPOSALS/BUDGET CHANGE CONCEPTS	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
BUDGET FILES	Finance	4 yrs for state funds /7 years for federal funds or until audited	Secretary of State Guidelines, GC 12236
BUDGET REPORTS prepared by various departments for use by the General Manager	Finance	4 yrs for state funds /7 years for federal funds or until audited	Secretary of State Guidelines, GC 12236
BUDGET WORKING PAPERS used for preparation of department budget	Finance	Audit + 2 fys	
CASH RECEIPTS	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
CASH RECEIPTS JOURNAL/REPORT monthly journal of cash received	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
CERTIFIED FINALS Year end letters for non-payment, before account goes to Assessor's tax roll for collection	Finance	Resolution + 7 years	
DEPOSIT RECORDS/ RECEIPTS for customer deposits	Finance	4 years or until audited	CCP 337
DIRECT DEPOSIT automatic deposit for payroll	Finance	Audit + 6 fys	
DIRECT PAYMENT PROGRAM – authorization forms	Finance	Inactive + 2 yrs	

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
DISBURSEMENT REPORTS	Finance	Audit + 6 fys	
DISTRICT – DEBT records relating to any non-discharged debt of the District	Finance	Permanent	GC 60201(d)
EMPLOYEE REIMBURSEMENT RECORDS	Finance	7 years after payment	GC 60201 (d)
EMPLOYEE/INDEPENDENT CONTRACTOR COMPENSATION RECORDS	Finance	7 years after payment	GC 60201 (d)
EQUIPMENT & ASSETS documentation	Finance	4 years, or until audited	CCP 337
ERISA RECORDS- Employee Retirement Income Security Act plan reports, certified information	Finance	6 years	29 USC 1027
ERISA RECORDS- Employee Retirement Income Security Act Records of benefits due to employees	Finance	Permanent	29 USC 1059
FEDERAL/STATE TAX WITHHOLDING REPORT CA forms filed annually, quarterly and year-end reports	Finance	6 years or until audited	R&TC 19530, R&TC 19704
FINAL BILLING SERVICE ORDERS	Finance	2 years	29 CFR 516.6, 516.7
FINANCIAL REPORTS includes monthly system generated reports	Finance	4 years or until audited	CCP 337
FINANCIAL TRANSACTION REPORT prepared for State of California requirements	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
GENERAL LEDGER for department budgeting	Finance	Information forwarded to appropriate department	Considered working papers. Final to accounting
GENERAL LEDGER reports all financial activity for a specific fiscal year	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236, CCP 337
GIFTS/ BEQUESTS Receipts or other documentation	Finance	May be destroyed	GC 60201
GRANTS State and Federal	Finance	Until Completed + 3 years	24 CFR 570.502, 24 CFR 85.42
INDEX CARDS record of property ownership, meter information, APN	Finance	Permanent	GC 60201
INVENTORY	Finance	Until revised	Secretary of State Guidelines, GC 12236
INVENTORY # INDEX	Finance	Until revised	Secretary of State Guidelines, GC 12236
INVESTMENT FILES includes investment report, treasurers report, custody accounts	Finance	4 years, or until audited	CCP 337
INVOICES, CHECK REQUISITIONS	Finance	4/7 years or until audited	Secretary of State Guidelines, GC 12236
JOB TRANSACTION EXPENSE REPORT listing of postings to job cost system	Finance	End job + 10 fys	

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
JOURNAL ENTRIES	Finance	Audit + 6 fys	
LAIF STATEMENTS statement of account sent by or downloaded from Local Agency Investment Fund	Finance	Audit + 6 fys	
LEAVE BALANCES	Finance	Audit + 6 fys	
LIENS	Finance	Permanent	GC 60201
LONG TERM DEBT	Finance	10 years	CCP 337.5
MATERIAL SLIPS	Finance	Audit + 6 yrs	
MEDICAL INSURANCE BILLING	Finance	Permanent	
METER BILLING Temporary meter billing	Finance	2 years	29 CFR 516.6, 516.7
METER EXCHANGE TRACKING	Finance	Life of meter	
METER READINGS Reports	Finance	May be destroyed once administrative/ fiscal/ legal purpose has been fulfilled	GC 60201 (d) (10)
ORDER/ SHIPPING/ BILLING RECORDS originals of customer orders/ invoices/ shipping and delivery records, formal billings to customer	Finance	2 years	29 CFR 516.6, 516.7
OWNER ACKNOWLEDGEMENT LETTERS	Finance	Current owner + 2 yrs	
PAY STUBS	Finance	7 years	GC 60201
PAYROLL & SICK LEAVE/VACATION REPORT printout of sick leave and vacation accrues and used each pay period, Quarterly & Year To Date wager	Finance	7 years or until audited	GC 60201(d)(12)
PAYROLL RECORDS showing the hours worked daily by and wages paid to employees, including terminated employees	Finance	7 years	GC 60201, LC 1174(d), 29 CFR 516.5, 516.7
PAYROLL REGISTER details of payments and deductions to employees each pay period	Finance	7 years or until audited	GC 60201(d)(12), 29 CFR 516.5(a), LC 1174(d)
PERS FILES/REGISTERS files include payroll reports for RMWD	Finance	6 years	29 USC 1027
PURCHASE ORDERS Originals	Finance	4 years, or until audited	CCP 337
SERVICE ORDERS	Finance	2 years	29 CFR 516.6, 516.7
SOCIAL SECURITY RECORDS	Finance	8 years	22 CCR 1085-2; 22 CCR 1085 6

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
TAXES, SPECIAL tax levied by the District on a per parcel basis	Finance	3 years or until audited	CCP 338(m)
TEMPORARY WATER METERS	Finance	Inactive + 6 yrs	
TIME CARDS	Finance	7 years	GC 60201, 29 CFR 516.6
TREASURERS REPORT part of the report to the Board of Directors cash receipts, disbursements for the month. This report is included in Board packets	Finance	10 years	
TRIAL BALANCE	Finance	Audit + 6 yrs	
UNEMPLOYMENT INSURANCE	Finance	4 years	IRC 3301-3311
UNIFORM REIMBURSEMENT report of expenses by employee for shirts, pants and shoes purchased	Finance	7 years or until audited	GC 60201(d)(12)
VEHICLE FUEL USE RECORDS	Finance	Sale or disposition + 6 years	
VEHICLE/EQUIPMENT SERVICE FILES include service records for District owned equipment and vehicles	Finance	Sale or disposition + 6 years	
VENDOR & AGENCY FILES	Finance	Until revised	Secretary of State Guidelines, GC 12236
VENDOR FILES/INFORMATION includes packing slips for current month	Finance	Until revised	Secretary of State Guidelines, GC 12236
WARRANTEES for equipment	Finance	End warrantee + 7 yrs	
WITHHOLDING REPORT – STATE	Finance	6 years or until audited	R&TC 19530, R&TC 19704
WORK ORDERS slips showing detailed information on each work order for work to be performed by District staff	Finance	2 years	29 CFR 516.6, 516.7
WORKERS COMPENSATION Year end reports include employees salaries and percent for workers compensation payments	Finance	Until settled + 5 years	8 CCR 10102, 8 CCR 15400.2
AGREEMENTS between RMWD and others to provide services to District	Finance/Admin Services	4 years after termination	CCP 337
GATE OPENER LIST	Operations	Until superceded	
HALOACETIC ACIDS REPORT	Operations	Permanent	
HEALTH DEPARTMENT REPORT consists of monthly reports to the Department of Health	Operations	10 years	
ILLNESS & INJURY PROTECTION PROGRAM Truck inspections	Operations	3 yrs	
LOGS For RMWD, include bactis, coliform, physical analysis	Operations	5 yrs	

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RECORD SERIES TITLE	DEPARTMENT OF RECORD	TOTAL RETENTION	REMARKS
MAINTENANCE RECORDS on equipment used at the plant	Operations	Life of equipment + 2 years	Secretary of State Guidelines, GC 12236
PATHOGEN TESTING on source and treated water	Operations	Permanent	
PLANT OPERATION REPORT water inflow, treatment and outflow, electric production.	Operations	Until reference value ceases	Not considered a record copy in this department
REPORTS – EXTERNAL for Departments of Energy, Health Services, Public Works, Water Resources, Dam Safety, Federal Energy Regulatory Commission	Operations	Until no longer needed	
REPORTS – INTERNAL monthly Water Production Report, monthly Water Report Worksheets	Operations	Until no longer needed	Originals to GM office/reporting agency
RESERVOIR PRINTS consist of joint regulating prints (size=11/17)	Operations	Permanent	
RMP SUBMISSIONS AND UPDATES hazardous materials as required by the EPA and CAL/ARP	Operations	Permanent, Updated every 5 yrs	
SAN DIEGO COUNTY WATER AUTHORITY REPORT yearly report required by CWA	Operations	Current + 9 years	
SPREADSHEETS OF NUT, CTS, CTS summary for State Health Department reports	Operations	Permanent	
SURFACE WATER TREATMENT RULE (SWTR) FINAL RULES LOG EPA regulation rule	Operations	Permanent	
THMS total	Operations	Permanent	
TOTAL COLIFORM (TC97-02) from lab – kept daily/monthly and charts	Operations	Permanent	
TOTAL DISSOLVED SOLIDS (TDS) monthly report	Operations	Permanent	
VALVE REPLACEMENT files	Operations	Permanent	

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Chapter 2.32

DISPOSAL OF SURPLUS PERSONAL PROPERTY

Contents:

Section 2.32.010	Exemptions.
Section 2.32.020	Sale of Surplus Property Allowed When.
Section 2.32.030	Notice of Sale.
Section 2.32.040	Bids: Deposit.
Section 2.32.050	Bids: Rejected When.
Section 2.32.060	Final Sale: Approval of Directors.

Section 2.32.010 Exemptions.

This chapter shall not be applicable to the sale of water, water rights, easements, buildings, real property, nor any interest in any of them nor shall it be applicable to any sale, trade or other transfer to any public entity. This chapter shall not be applicable to any item having a market value of less than twenty-five dollars, as determined by the board; provided, however, it shall be applicable to any item which can be sold as a lot with one or more other associated items which when taken collectively have a value in excess of twenty-five dollars.

Section 2.32.020 Sale of Surplus Property Allowed When.

Upon a finding by the board of directors of the district that any district-owned equipment, vehicles or other personal property is no longer of use nor utility to the district, and is surplus to the needs and projected needs of the district, but has a market value, the board shall direct that it be disposed of either through public auction sale or through sealed bid sale, as the board shall elect.

Section 2.32.030 Notice of Sale.

Notice of sale shall be published at least once in a newspaper of general circulation in the district setting forth the time and place of sale, a general description of the property, and terms of the sale. The newspaper publication shall be completed not less than five or more than thirty days prior to the sale date. In addition, the notice of sale shall be posted for at least two weeks prior to the sale at a conspicuous place on the exterior of the building which houses the district offices.

Section 2.32.040 Bids: Deposit.

The board may require each bid to be accompanied by a deposit in the form of a certified or cashier's check, cash or a bid bond in such amount as the board determines as a guarantee that the bidder, if his bid is accepted, will pay the amount of the bid. If the bid is rejected, the

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deposit will be refunded. If the sale is by sealed bids, the bids shall be opened and publicly read aloud at the time and place designated in the notice of sale, which may be either at a regular meeting of the board of directors, a specially called meeting of the board of directors, or at such other time and place and by such other representatives of the district as the board may designate.

Section 2.32.050 Bids: Rejected When.

The board shall sell to any responsible bidder whose net bid is the highest or, if no bids are received or the board determines the bids received are not satisfactory as to either price, terms or responsibility of bidder, the board may reject all bids and either re-advertise or sell at private sale without advertising.

Section 2.32.060 Final Sale: Approval of Directors.

No sale shall be final until approved by the Board of Directors of district.

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Chapter 2.44

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Contents:

Section 2.44.010	Right to Use or Benefit from Facilities: Nondiscriminatory.
Section 2.44.020	Payment for Services Provided by District Personnel.
Section 2.44.030	Damage to District Property.
Section 2.44.040	Notices of Completion for Privately Initiated Projects: General Manager to File.
Section 2.44.050	Claims Reporting and Handling.
Section 2.44.060	Reimbursement of Travel Expenses.
Section 2.44.070	Request by Outside Party for Endorsement.

Section 2.44.010 Right to Use or Benefit from Facilities: Nondiscriminatory.

No person shall be denied the right to use or benefit from public facilities owned or operated by the Ramona Municipal Water District, or its contractors, subcontractors, lessees, concessionaires or other authorized operators because of race, creed, color, sex, age or national origin.

Section 2.44.020 Payment for Services Provided by District Personnel.

- A. Intent. The District finds and determines that substantial amounts of District staff, consultant and legal services time is being spent on matters requested by owners and developers of land who desire District Services (such as information, research, system evaluations, annexation, and commitment forms and letters) associated with possible new and/or changed water, recycled water and sewer services from the District. It is the intent of this policy to ensure that developers, owners, or other entities requesting District Services shall reimburse the District for all staff, consultant and legal time incurred for the District Service requested.
- B. Deposits. The developer, owner, or other entity shall submit a written request for District Service and shall be required to deposit funds in cash or by check with the District sufficient to cover the District's costs in providing the District Service requested. The deposit shall be sufficient to cover all estimated District staff, consultant and legal services time. No work shall be performed until an Application for District Services has been executed and the sum determined necessary by District staff has been received by the District. When the balance of funds on deposit is projected to be five hundred dollars or less, the applicant shall be required in writing to deposit such additional sums, as may be determined necessary by District staff to complete the requested District Services. Work on the requested District Services will cease when the balance is known to be five hundred dollars and until the additional deposit has been received by the District.

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- C. Refunds. Within thirty days after final certification of all charges, any amount remaining on deposit with the district which has not been used shall be returned to the applicant without interest.
- D. Fees for processing, creation, reproduction, and certifying. Fees will be collected for creating documents, making copies of records, certifying records, and records research in the following amounts:

1. Reproduction Costs:

<u>Item</u>	<u>Amount</u>
Up to 8-1/2" x 14"	\$ 0.10 each page
Larger sizes as available	\$ 0.15 each page
D size	\$ 6.00 each page
Cassette Tape Duplication	\$ 8.00 each tape
Compact Disc Duplication	\$ 8.00 each compact disc
Video Tape Duplication	\$ 15.00 each tape
Print Parcel Maps	\$ 25.00 each map
Print Facilities Drawings	\$ 25.00 each drawing
FIS Maps for Parcels, Topo, Aerial Maps, Facilities	\$ 25.00 each map

Copy fees may be waived for governmental, news media or nonprofit organizations.

2. Fees for Research and Other District Services:

Certification of Record	\$ 3.00 per record
Research (Does not include evaluations)	\$ 25.00 per quarter hour
Water and Sewer System Evaluations	DEPOSIT (\$2,000 minimum)
Issue Industrial Waste Permit (IWP)	\$600.00
Annual Renewal of IWP	\$250.00
Unique IWP	DEPOSIT (\$2,000 minimum)
Availability Form Preparation (Includes Commitment Form Preparation)	\$100.00

Section 2.44.030 Damage to District Property.

- A. Any damage or loss occurring to the district caused by negligence or neglect of a customer, must be paid for by the customer upon presentation of a bill.
- B. Damage or loss shall be determined by the district and shall include replacement cost of materials used in repair, labor costs and an appropriate application of overhead. These costs shall be summarized into a bill which shall be presented to the party responsible for the damage.

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Section 2.44.040 Notices of Completion for Privately Initiated Projects: General Manager to File.

- A. That upon satisfactory completion of privately initiated projects of water, sewer, parks, fire, or paramedic facilities contracted for by the District, the General Manager or his designated representative be, and each hereby is, authorized to accept such facilities on behalf of the District and to execute and file with the County Recorder of the County of San Diego a duly executed notice of completion on behalf of the District. Such acceptance shall not be construed as constituting any waiver whatsoever of any rights of the District, nor shall such acceptance in any way affect any warranties and guarantees given by the Contractor and/or owners of the property, or any other rights or remedies of the District. The date a facility is accepted by the General Manager or his designated representative shall constitute the date of acceptance of the project for stop notice claims.
- B. Nothing in this resolution shall be construed as imposing any personal liability upon the General Manager or his authorized representative for acceptance of any project or for the execution or filing of any notice of completion.
- C. All notices of completion are to be reported in the General Manager's Monthly Report or to the Board directly monthly at a regular meeting.

Section 2.44.050 Claims Reporting and Handling.

- A. Small Claims Settlement Option
 - 1. Policy Statement. The District has the option of settling or denying claims arising out of any occurrence, which meet all of the following conditions:
 - a. All claims arising out of the occurrence are for "property damage" only;
 - b. No claim arising out of the occurrence has any apparent potential for related "bodily injury" allegations;
 - c. The District's estimated settlement value for all claims arising out of the occurrence does not exceed the Self-Insured Retention level per occurrence;
 - d. The claim settlement(s) or denial(s) arising out of the occurrence can be concluded within 60 days of when the District becomes aware that the claim(s) may exist; and
 - e. A settlement under this option is to be made only when the claim being considered is determined to be based upon the guidelines established under the JPIA Liability Program.

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2. Definitions
 - a. Bodily Injury - means bodily injury, sickness or disease, including death resulting there from, and also includes the care and loss of services by any person or persons.
 - b. Formal Claim - is a claim which is submitted in accordance with the claim statutes as contained in the California Government Codes.
 - c. Informal Claim - is a claim which could be submitted in accordance with the claim statutes as contained in the California Government Codes, but which the District wishes to settle or deny for expediency reasons prior to such formal submission.
 - d. Property Damage - means (1) physical damage to or destruction of tangible property, including the loss of use thereof at any time resulting there from, or (2) loss of the use of tangible property which has not been physically damaged or destroyed.
3. Small Claims Processing Procedure - When the District becomes aware of, or is presented with a claim that meets all of the conditions in the above Policy Statement, it shall have the option of settling or denying the claim directly. When the District elects to exercise this option, it shall adhere to the following internal procedures:
 - a. The Risk Manager shall send the claim to the department head to investigate and respond to the allegations stated in the claim. The department head will provide the Risk Manager a written response detailing the department findings of the investigation.
 - b. Based on the investigation results, the Risk Manager will provide the General Manager with a recommendation to proceed with the claim as a "formal" or "informal" claim.
 - c. The General Manager will determine whether to pay or deny claim. In cases where District responsibility for a claim is uncertain or where a potential liability issue exists, the General Manager will refer the claim to general counsel and/or to JPIA for a legal determination.
 - d. If no responsibility on the part of the district is found, a formal claim should be rejected in writing and an informal claim verbally. The claim will then be sent to JPIA for evaluation and consideration of liability.
 - e. If liability on the part of the district is found, the district will make every effort to execute a settlement as soon as possible by repairing the damage, making an in-kind or cash payment or issuing a check.
 - f. In accordance with JPIA procedures, any claim which cannot be settled within 60 days of when the district becomes aware that it may exist, will be turned over to the JPIA by the 62nd day. The district may request an extension from JPIA for larger or more complex claims.

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- g. The Risk Manager will complete a “Monthly Small Claims Report” which recaps the prior month’s Small Claims Settlement and/or rejection activity, and submit it to the JPIA office within 30 days of the close of the month in which said activity occurs.

B. Claims Reporting and Handling Procedures (excluding small claims)

1. Policy - Claims not processed under the Small Claims provision will be denied at the District level and forwarded to JPIA, with a department investigation report.
2. Procedures - Except for claims that the district handles under the “Small Claims Settlement” provision, all claims filed under the JPIA Liability Program shall be handled according to the following procedures:

a. Initial Reporting:

- i. All incidents involving damage to property not owned by the district or injury to non-employees that appear likely to produce a claim shall be promptly reported to the Risk Manager, who will submit the claim to the JPIA.
- ii. An “Incident Report Form” shall be completed by the Department Manager or Supervisor and promptly submitted to the Risk Manager.
- iii. In case of a serious accident involving substantial property damage or bodily injury, district staff shall notify JPIA by telephone immediately, and follow-up with written documentation.
- iv. An SR-1 Form should be filed with the Department of Motor Vehicles (DMV) as per State of California Vehicle Code 16022. The district shall retain a photocopy of each completed SR-1 in its files.

b. Subsequent Reporting:

- i. In addition to the Incident Report Form, the district will send the following documentation to JPIA:
 - (A) Any claim form or letter filed with the district or any subsequent correspondence or notes of conversations with potential or actual claimants;
 - (B) Any legal documents or related correspondence from attorneys or other representatives of claimants or insurance carriers;
 - (C) Any letters, memos, or notes of conversations, or other inquiries from interested parties;

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(D) Any police or other public agency reports that are available; and

(E) Any photographs, newspaper articles, etc., that the district can provide.

ii. District staff shall not discuss or give out any information concerning accidents or claims, to anyone other than the investigating law enforcement officer; the ACWA/JPIA claims staff or an independent adjuster assigned by JPIA.

c. Litigated Cases:

i. The JPIA selects and retains appropriate attorneys to defend the district against claims requiring legal defense;

ii. The District may offer input in the selection of counsel by pursuing the following steps:

(A) Submit a summary of recommended counsel's qualifications, including counsel's experience in handling the type of liability claim at issue;

(B) Ascertain that counsel will agree to:

(i) Abide by the approved billing guidelines of JPIA;

(ii) Abide by the JPIA attorney fee and expense schedule;

(iii) Evaluate the case in writing within 30 days of assignment;

(iv) Issue status reports every 60 days thereafter;

(v) Accept case direction from the JPIA Claim Staff;

(vi) Allow the excess insurers to reserve the right to review counsel's credentials in cases with the potential to exceed JPIA's retention level; and

(vii) Allow the District (at any time and without qualification, and at its own expense) retain separate counsel to protect its own interests.

C. Guidelines for Claims Against California Public Entities

1. Written Claim (G.C. § 945.4) Before commencing a suit for money or damages, the claimant must (in almost all cases) present a written claim to the public entity and allow it to act upon the claim.

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2. Sufficiency - Contents of Claim (G.C. § 910 & 910.2). The written claim must contain:
 - a. Name and address of the claimant;
 - b. Post Office address to which the claimant desire notices to be sent;
 - c. Date, place, and circumstances of the occurrence;
 - d. Description of injury, damages, or losses so far as then known;
 - e. Name(s) of public employee(s) causing injury, etc;
 - f. Amount claimed and basis for computation if under \$10,000; and
 - g. Signature of the claimant or representative.
3. Timeliness (G.C. § 911.2)
 - a. A claim for death, personal injury, or damage to personal property or growing crops must be presented within six months of the accrual of the cause of action.
 - b. Some exceptions exist to the six-month filing requirement. Examples are claims for inverse condemnation, violations of Federal rights, contract violations, the interest of minors, and damage to real property.
4. Rejection of Sufficient and Timely Claims
 - a. Only claims with proper and sufficient contents (2.) and presented in a timely fashion (3.) can be rejected (See 5. and 6.).
 - b. For insufficient or late claims, refer to 7. and 8.
5. Written Rejections (G.C. § 913 & 945.6 (a)(1)) If a claim is rejected within 45 days of presentation and the rejection is in the prescribed manner, the claimant has only six (6) months in which to file suit.
6. Rejection by Operation of Law (G.C. § 912.4 (c) & 945.6 (a)(2)). If a claim is not rejected in writing within 45 days of presentation, the claim is deemed rejected by operation of law on the 45th day. When a claim is not rejected in this time period, the claimant has two (2) years in which to file suit.
7. Insufficient Claims (G.C. § 910.8 & 911). If the claim does not comply with GC 910 and 910.2 (see B), then the claim is insufficient. An insufficient claim should not be rejected. The public entity must notify the claimant in writing within 20 days of presentation that the claim is insufficient and state the particulars, or the public entity waives the insufficiency and cannot claim insufficiency as a defense.

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8. Late Claims (G.C. § 911.4, 911.6 & 911.8)
 - a. If a claim is not presented in a timely fashion (see 3.), then the claimant must present an application to present a late claim.
 - b. The application:
 - i. Must be presented within one year of accrual of cause of action;
 - ii. Must have a written claim attached; and
 - iii. Must set forth the reason for delay.
 - c. Claims filed late, if not accompanied by an application for leave to file a late claim, should be rejected specifically because they are late. They should not be denied on their merits.
9. Acceptance of Application for Late Claim (G.C. § 911.6) The public entity shall grant the application where:
 - a. The failure to present a claim was excusable neglect, mistake or the like, and the public entity was not prejudiced; or
 - b. The claimant was a minor during all of the time period; or
 - c. Physical or mental incapacitation, or death was the cause.
10. Denial of Application for Late Claim (G.C. § 911.8 & 946.6)
 - a. The public entity may deny the application if it is not excused (see 9.). The denial must be in writing, and must advise the claimant that he or she has only six (6) months to take the matter to court. The court can choose to allow the filing of the late claim on the same grounds as in 9.
 - b. The denial of the application has nothing to do with the validity of the claim. It is not a rejection of the claim or its merits. It means only that the claim was not properly presented.

Section 2.44.060 Reimbursement of Travel Expenses.

- A. Employees shall have the general manager's prior written approval before incurring any reimbursable expenses for travel.
- B. Requests submitted for approval of travel shall be in writing and include an itemized statement setting forth amounts for registration, transportation, lodging, meals and other expenses. The request shall also include the mode of travel and the anticipated number of days.

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- C. An advance for travel may be requested. The request shall be in writing. The amount advanced must be properly accounted with a request for reimbursement of expenses. The same procedure shall be followed as though an advance had not been made.
- D. Expense reimbursement will be made upon submission of an itemized expense records and receipts. This itemized list will require the approval of the general manager or his designee prior to reimbursement.
 - 1. Registration and Materials. Reimbursement will be made for actual expenses incurred for registration, conference materials required for the attendance at a conference, workshop, meeting or convention.
 - 2. Transportation. Actual expenses for transportation will be reimbursed to the individual who has incurred and paid the expense. Receipts for transportation expenses must be attached to the request for reimbursement. With respect to directors, directors shall use government and group rates offered by a provider of transportation for travel when available.
 - a. Air. Only coach airfare will be allowed for reimbursement.
 - b. District Vehicle. When traveling in a district vehicle, expenses should be paid by a district credit card, if possible. However, reimbursement will be made for gasoline, oil and other usual vehicle expenses.
 - c. Rental Vehicles. Reimbursement will be made for the expense of rental vehicles used on behalf of the district. Requests for reimbursement shall be accompanied by a receipt from the vehicle rental agency.
 - d. Private Vehicle. With prior approval of the general manager, use of a private vehicle will be permitted. Reimbursement for use of a private vehicle will be at the current rate imposed by the Internal Revenue Service per mile, mileage being calculated on the most convenient direct route to and from Ramona and the point of destination. If an indirect route is required on behalf of the district, approval for the additional mileage should be obtained prior to incurring the expenses of such additional mileage. The mile reimbursement will be for the full expense incurred by the district for the use of a private vehicle. No additional or unusual expenses will be allowed. Reimbursement for the use of a private vehicle shall not exceed the amount equal to coach air fare plus ground transportation required at the destination.
 - 3. Meals. Actual expenses for meals and tips will be reimbursed. The reimbursement will be made for the meals required in conjunction with meetings and travel which would not otherwise have been required if the person were not representing the district. Reimbursement will be made for the actual expense of meals incurred while traveling to and from meetings. Requests for reimbursement for meals shall be submitted on an expense sheet furnished by the district.

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The daily maximum allowable amount shall be:

- a. Breakfast: ten dollars
 - b. Lunch: fifteen dollars
 - c. Dinner: twenty dollars
4. Lodging. Reimbursement will be made for actual expenses on average standard accommodations. If an employee desires more than average accommodations, the employee is privileged to pay, on an unreimbursed basis, the difference between standard accommodations and that which is desired. Reimbursement for accommodations and lodging shall not include amounts required for spouses or other persons accompanying the employee. If a director's lodging is in connection with a meeting, conference, seminar or organized, educational activity conducted in compliance with Chapter 2.08 herein, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the director at the time of booking. If the group rate is not available, the director shall use comparable lodging that is consistent with the requirements of this Policy.
5. Miscellaneous Expenses. Reimbursement will be made for the actual expenses of tips, taxis and related expenses. Requests for reimbursement shall be specifically itemized on the expense sheet with receipts attached, if possible. If requests are made for reimbursement of unusual expenditures, an explanation shall be submitted along with the request.
- E. Personal business or extended trips in connection with district business are permitted so long as the employees do this at their own expense and on their own time and provided the usage of vacation time is approved by the general manager or his designee. Extension of trips beyond the time necessary to conduct district business solely to take advantage of reduced travel costs is not authorized.
- F. On an annual basis the cost-of-living index will be considered as a basis for adjustment of the amounts included herein.

Section 2.44.070 Request by Outside Party for Endorsement.

All requests by outside parties for endorsement of a position on an issue shall be made in writing to the District.

At its sole discretion the District will determine whether the issue that the District is being asked to endorse is related to the responsibilities of the District.

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If the issue is determined to be within the responsibilities of the District, the General Manager, in consultation with the President of the Board of Directors, may place the request on an agenda for consideration by the full Board.

If the issue is determined to not be within the responsibilities of the District, the General Manager shall inform the requesting party that the District does not endorse issues that are not within the responsibilities of the District.

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Chapter 2.48

EXECUTION OF CONTRACTS AND AGREEMENTS

Contents:

Section 2.48.010	Purpose.
Section 2.48.020	Guidelines.
Section 2.48.030	Exceptions.

Section 2.48.010 Purpose.

This chapter shall establish District guidelines for the execution of contracts and agreements which will ensure the retention of original contract and agreement documents.

Section 2.48.020 Guidelines.

- A. The District shall maintain the original copies of all contract documents and agreements. Contracts and agreements shall be signed by the District only after the contract has been signed by the other party(ies).
- B. Prior to the submission of contracts and agreements to the Board of Directors for approval, staff shall ensure that the contracts and agreements have been executed by the other party(ies).
- C. District staff shall be responsible for distributing copies of the fully executed contract or agreement to the other party(ies).

Section 2.48.030 Exceptions.

- A. The District recognizes that exceptions may occur where State or Federal government guidelines preempt the District from this requirement due to their own contract provisions.
- B. This provision excludes routine purchase orders, purchasing agreements and related documents for goods or services which are covered under the District's purchasing system.

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Chapter 2.52

DISPLAYING THE FLAG AT HALF-STAFF

Contents:

- Section 2.52.010** **Policy.**
- Section 2.52.020** **Display of Flag at Half-Staff Upon Death of Designated Persons.**
- Section 2.52.030** **Display of Flag at Half-Mast During State or Federal Periods of Mourning.**
- Section 2.52.040** **Method for Placing Flag at Half-Staff.**

Section 2.52.010 **Policy.**

All Ramona Municipal Water District departments, offices and facilities shall display the flags of the United States, and the State of California at all District buildings and grounds in accordance with this policy.

Section 2.52.020 **Display of Flag at Half-Staff Upon Death of Designated Persons.**

Ramona Municipal Water District shall display the flags of the United States, and the State of California at half-staff only upon the death of certain public officials and other persons as set forth in this policy. Flags shall be displayed at half-staff upon the District's receipt of notification and subsequent verification of the death of:

- A. Any resident of Ramona Municipal Water District whose death resulted from participation in the operations of any branch of the United States military, including the National Guard;
- B. Any resident of Ramona Municipal Water District whose death resulted from participation in the operations of any branch of the Department of Homeland Security, including but not limited to the United States Coast Guard, United States Immigration and Customs Enforcement, and United States Customs and Border Protection;
- C. Any law enforcement officer, firefighter, or Ramona Municipal Water District employee providing law enforcement, emergency medical, or firefighting services to the residents of the Ramona Municipal Water District whose death resulted from direct participation in the provision of such services; and
- D. Any resident of Ramona Municipal Water District whose death resulted from direct participation in law enforcement, emergency medical or firefighting activities.

When death of the person or public official to be honored is verified, flags shall be flown at half-staff immediately. The flags shall remain at half-staff during each

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day they are normally flown until lowered at the end of the day on which the funeral is solemnized.

Section 2.52.030 Display of Flag at Half-Mast During State or Federal Periods of Mourning.

Ramona Municipal Water District shall additionally observe all State and Federal periods of mourning proclaimed upon the death of a specified official, former official, or other person by the President of the United States or the Governor of California, and shall display all flags at half-staff for the periods set forth in any such proclamation.

Section 2.52.040 Method for Placing Flag at Half-Staff.

The flag shall be raised to the peak for an instant and then lowered to the half-staff position midway between the top and the bottom of the staff. The flag shall be again raised to the peak before it is lowered for the day. The flag must never touch the ground when being raised or lowered. The flag shall be raised briskly and lowered slowly and ceremoniously. At no time shall any other flag be above the United States Flag. When the United States Flag is lowered to half-mast position, other flags shall similarly be lowered.

Chapter 2.53

PUBLIC COMMUNICATIONS POLICY

Contents:

Section 2.53.010	Definitions
Section 2.53.020	Social Media Policy
Section 2.53.030	Media Relations Policy

Section 2.53.010 **Definitions**

As used in this chapter:

"District social media sites" means social media sites which the District establishes and maintains, and over which it has control over all postings, except for advertisements or hyperlinks by the social media site's owners, vendors, or partners. District social media sites shall supplement, and not replace, the District's required notices and standard methods of communication.

"Posts" or "postings" means information, articles, pictures, videos or any other form of communication posted on a District social media site.

"Social media sites" means content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, Blogs, YouTube, and LinkedIn.

Section 2.53.020 **Social Media Policy**

- A. Purpose: This Social Media Policy establishes guidelines for the establishment and use by the District of social media sites as a means of conveying information to members of the public. The intended purpose of District social media sites is to disseminate information from the District about the District's mission, meetings, activities, and current issues to members of the public. The District has an overriding interest and expectation in protecting the integrity and content of the information posted on its social media sites and the content that is attributed to the District and its officials.
- B. General Policy
 - 1. The District's official website at www.rmwd.org (or any domain owned by the District) will remain the District's primary means of internet communication.
 - 2. The establishment of District social media sites is subject to approval by the General Manager or his/her designee. Upon approval, District social media sites shall bear the name and/or official logo of the District.

3. Content on District social media sites is subject to oversight by the General Manager's Department.
4. District social media sites shall clearly state that such sites are maintained by the District and that the sites comply with the District's Social Media Policy.
5. District social media sites shall link back to the District's official website for forms, documents, online services, and other information necessary to conduct business with the District whenever possible.
6. The General Manager's Department shall monitor content on District social media sites to ensure adherence to both the District's Social Media Policy and the interest and goals of the District.
7. District social media sites shall be managed consistent with the Brown Act. Members of the District's Board of Directors shall not respond to, "like," "share," retweet, or otherwise participate in any published postings, or use the site or any form of electronic communication to respond to, blog, or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.
8. The District through its General Manager reserves the right to terminate any District social media site at any time without notice.
9. District social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.
10. The District's Social Media Policy shall be displayed to users or made available by hyperlink.
11. All District social media sites shall adhere to applicable federal, state, and local laws, regulations, and policies.
12. District social media sites may be subject to the California Public Records Act. Any content maintained on a District social media site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure. There is no expectation of privacy in any content or comments.
13. Employees representing the District on District social media sites shall conduct themselves at all times as a professional representative of the District and in accordance with all District policies.
14. All District social media sites shall utilize authorized District contact information for account set-up, monitoring, and access. The use of personal email accounts or phone numbers by any District employee is not allowed for the purpose of setting-up, monitoring, or accessing a District social media site.

15. District social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the District has no control. The District does not endorse any hyperlink or advertisement placed on District social media sites by the social media site's owners, vendors, or partners.
16. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the District.
17. Social media pages should indicate that posted comments will be monitored and that the District reserves the right to remove comments that are found to be in violation of this policy.
18. The following statement shall be posted on the District social media sites' primary page or by a hyperlink directing a user to the same wherever possible:

“The intended purpose of this page is to serve as a mechanism for communication between the Ramona Municipal Water District and members of the public. However, this page is not the primary method of communication with the District, and any notices or requests for District services must be made via official communication methods identified on the District’s website, or by traditional methods of notification recognized by the District, and no comments or posts on this page will be construed as providing notice to the District of any claim, deficiency, dangerous condition, request, or otherwise.

Any comments or other content posted or submitted to this page for posting, as well as personal identifying information for the page’s users and visitors, and its list of fans, may be public records subject to disclosure pursuant to the California Public Records Act. Public disclosure requests must be directed to the District office.”

In addition to the above statement, the District social media sites' primary page shall also contain contact information for the District and a hyperlink to the District website providing addresses, names, phone numbers, fax numbers, and email addresses of applicable department listings or District staff and methods of making official requests for maintenance or services and notice of the condition of District property or other similar requests.

19. The District reserves the right to change, modify, or amend all or part of this policy at any time.

C. Content Guidelines

1. The content of District social media sites should only pertain to District-sponsored or District-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks.
2. Content posted to the District's social media sites will contain hyperlinks directing users back to the District's official website for in-depth information, forms, documents, or online services necessary to conduct business with the District, whenever possible.

3. The District shall have full permission or rights to any content posted, including photographs and videos.
4. Any employee authorized to post items on any of the District's social media sites shall review, be familiar with, and comply with the social media site's use policies and terms and conditions.
5. Any employee authorized to post items on any of the District's social media sites shall not express his or her own personal views or concerns through such postings. Instead, postings on any of the District's social media sites by an authorized District employee shall only reflect the views of the District.
6. Postings will contain information that is freely available to the public and not be confidential as defined by any District policy or state or federal law.
7. Postings may NOT contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
8. Examples of social media content may include but are not limited to: updates on main breaks or similar disruptions in service, construction project updates, water conservation, special events, reminders for board meetings and committee meetings, updates to District office hours or closures, and updates and information on District services and procedures.
9. The District is not required to allow users to post comments on its social media sites, however, if it does allow postings, they shall NOT contain any of the following as listed below. The District disclaims any and all responsibility and liability for any materials that the District deems inappropriate for posting which cannot be removed in an expeditious or otherwise timely manner. The District reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Any articles, messages, posts, comments, images, video or other content containing any of the following shall not be allowed and may be removed as soon as possible:
 - a. Comments that are not topically related to the particular posting being commented upon or not within the jurisdictional purview of the District;
 - b. Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
 - c. Profane or obscene language or content;
 - d. Violent or threatening content;
 - e. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;

- f. Sexual content or links to sexual content;
 - g. Solicitations of commerce or advertisements including promotion or endorsement;
 - h. Conduct or encouragement of illegal activity;
 - i. Information that may tend to compromise the safety or security of the public or public systems;
 - j. Disclosure of confidential, sensitive or proprietary information;
 - k. Content intended to defame, harass, threaten, or stalk any person, group or organization; or
 - l. Content that violates a legal ownership interest of any other party, such as a trademark or copyright infringement.
10. These guidelines shall be displayed to users or made available by hyperlink on all District social media sites. Any content removed based on these guidelines must be retained, including the time, date, and identity of the poster, when available.
11. The District reserves the right to implement or remove any functionality of its social media sites, when deemed appropriate by the General Manager or his/her designee. This includes, but is not limited to, information, articles, pictures, videos, or any other form of communication that is posted on a District social media site.
12. Except as expressly provided in this policy, accessing any social media site shall comply with all applicable District policies pertaining to communications and the use of the internet by employees, including email content.
13. All of the content on District social media sites is subject to oversight by the General Manager's Office. The District reserves the right to change, modify, or amend all or part of this policy at any time.

Section 2.53.030 Media Relations Policy

- A. General Purpose: Good media relations benefit the District. When the District helps the media with the job of gathering and reporting the news, we are also helping communicate our story to the public. Through good media relations, the District can strengthen community support and build a positive image in the community. Providing this kind of assistance also discharges our responsibility to be accountable to the public. The District strives to provide transparent communications on District activities and projects at all times and in a comprehensive manner. The purpose of the policy is to establish guidelines that protect the District, inform and educate customers, and encourage interaction with stakeholders.

- B. Press Releases and Official Statements: Generally speaking, all press releases or official statements regarding the policies of the District or actions taken by its Board of Directors should be issued by the President of the Board of Directors or the General Manager. Press releases regarding the operational activities by the District or its staff should be issued by the District's General Manager.
- C. Media Requests for Information: In order to ensure compliance with this policy, all requests for information from the media should be directed to the General Manager's office.
- D. Personal Comments or Contact with Media: Nothing within this policy is intended to restrict or prevent individual Board Members from making personal comments or contact with the media; it only applies to official comments from the District or its Board of Directors. If a Director offers a personal opinion during meetings with other elected officials or at a District speaking engagement, it should be identified as such. District staff should not make any comments to the media without prior approval from the General Manager.
- E. Questions regarding litigation or exposure to litigation should be referred immediately to the District's General Counsel and copied to the General Manager.

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Chapter 4.04

PURCHASING SYSTEM

Contents:

Section 4.04.010	Establishment and Purpose.
Section 4.04.020	Establishment of Centralized Purchasing Function.
Section 4.04.030	Purchasing Manual.
Section 4.04.040	Purchasing Officer: Designation and Authority.
Section 4.04.050	Purchasing Officer: Powers and Duties.
Section 4.04.060	Exceptions to Centralized Purchasing.
Section 4.04.070	Estimates of Requirements.
Section 4.04.080	Requisitions.
Section 4.04.090	Standardization of Supplies.
Section 4.04.100	Unauthorized Purchases.
Section 4.04.105	Selection and Award of Professional Consultant Services.
Section 4.04.110	Letting of Contract \$35,000 or Less Without Advertising or Requesting Bids.
Section 4.04.120	Contracts Exceeding \$35,000: Notice to Bid.
Section 4.04.130	Formal Bidding Procedure: Bidder's List.
Section 4.04.140	Formal Bidding Procedure: Bid Opening.
Section 4.04.150	Formal Bidding Procedure: Compilation of Bids and Recommendations.
Section 4.04.160	Formal Bidding Procedure: Board Action Following Recommendation.
Section 4.04.170	Formal Bidding Procedure: Tie Bids.
Section 4.04.180	Emergency Contracts: Competitive Bidding Not Required; "Emergency" Defined.
Section 4.04.190	Award of Contract to Lowest Responsive and Responsible Bidder When Board or Purchasing Officer Has Advertised, Requested Bids; Factors to be Considered.
Section 4.04.200	Rejection of Bids.
Section 4.04.210	Determination of Bidder's Responsibility.
Section 4.04.220	Assignment of Contracts.
Section 4.04.230	Bidders' Bonds.
Section 4.04.240	Exceptions to Competitive Bidding Requirements: Contracts not Adapted to Award by Competitive Bidding.
Section 4.04.250	Exceptions to Competitive Bidding Requirements: Contracts with Carriers.
Section 4.04.260	Exceptions to Competitive Bidding Requirements: Auction, Closeout, Bankruptcy Sales.
Section 4.04.270	Exceptions to Competitive Bidding Requirements: Failure to Receive Responsible Bids.
Section 4.04.280	Exceptions to Competitive Bidding Requirements: Surplus .Supplies and Equipment Purchases.
Section 4.04.290	Collusion Among Bidders, Advance Disclosures: Effect.
Section 4.04.300	Trade-In Allowances for Personal Property.

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- Section 4.04.310** **Cooperative Purchasing.**
- Section 4.04.320** **Declaration and Disposal of Surplus Property.**
- Section 4.04.330** **Authority of General Manager to Enter Into and Approve Contracts and Contract Change Orders.**
- Section 4.04.340** **Authority of General Manager to Approve Emergency Contracts and Contract Change Orders.**

Section 4.04.010 **Establishment and Purpose.**

In order to establish efficient procedures for the purchase of supplies, equipment, materials and certain services; to secure the same for the District at the lowest possible cost commensurate with quality needed; to exercise positive financial control over purchases; to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is adopted.

Section 4.04.020 **Establishment of Centralized Purchasing Function.**

There is created a centralized purchasing function in which is vested authority for the purchase of supplies, equipment and certain services necessary for District operations.

Section 4.04.030 **Purchasing Manual.**

All purchases of and contracts for materials, supplies, equipment and services shall be made in accordance with the provisions of the RMWD Legislative Code. To implement the Legislative Code, the Purchasing Officer will maintain a Purchasing Manual to document specific procedures in more detail.

Section 4.04.040 **Purchasing Officer: Designation and Authority.**

The General Manager may designate a person to act in his/her behalf for the purchase of supplies, equipment and services pursuant to this ordinance. The person so designated shall be authorized to act on behalf of the District and shall be identified herein as the Purchasing Officer.

Section 4.04.050 **Purchasing Officer: Powers and Duties.**

The Purchasing Officer shall:

- A. Have authority to negotiate, purchase and obtain supplies, contractual services and equipment used by the District in accordance with District and State law.
- B. Act to procure for the District the needed quality in supplies, services and equipment;
- C. Unless otherwise specified, endeavor to obtain full and open competition on all purchases;

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- D. Prepare and recommend to the Chief Financial Officer and the General Manager, rules and regulations governing purchase of supplies, services and equipment for the District and amendments thereto as necessary;
- E. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the District the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations;
- F. Prescribe and maintain such forms as are reasonably necessary for the operation of the purchasing system;
- G. Prepare and maintain information on vendors; and
- H. Review all purchases and make recommendations to the Chief Financial Officer and the General Manager as appropriate.

Section 4.04.060 Exceptions to Centralized Purchasing.

The Purchasing Officer may, when authorized by the Chief Financial Officer, authorize a department or officer to purchase supplies and equipment when such purchases may be made more advantageously or expeditiously by the respective department or departments.

Section 4.04.070 Estimates of Requirements.

The Purchasing Officer may request all departments or offices to file detailed estimates of their anticipated requirements in order to take advantage of volume or selective buying.

Section 4.04.080 Requisitions.

Departments or offices shall submit requests for supplies, equipment and services to the Purchasing Officer on standard requisition forms, as prescribed by the Purchasing Officer. The Purchasing Officer shall examine each requisition and estimate and shall have the authority to revise it as to quantity, quality or estimated cost; provided, however, that a change in quality will not vary substantially from the standards of the using department or office and, if so, will first be approved by the using department or office.

Section 4.04.090 Standardization of Supplies.

The Purchasing Officer in cooperation with using departments shall provide for the standardization of supplies, equipment and material in accordance with their use.

Section 4.04.100 Unauthorized Purchases.

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No District director, officer or employee shall order the purchase of any supplies, equipment, materials or contractual services or make any contract within the purview of this ordinance other than in accordance with the provisions of this ordinance, the regulations and procedures established thereunder and with the approval of the Purchasing Officer. Any purchase or contract made contrary to this ordinance shall be null and void.

Section 4.04.105 Selection and Award of Professional Consultant Services.

- A. The purpose of this policy is to establish procedures for the solicitation, selection and award of contracts for professional consultant services for: private architectural, engineering, land surveying or construction project management consultants to perform work for the District.
- B. In conformance with California Government Code section 4526, the District shall retain these professional services on the basis of demonstrated competence and professional qualifications for the service to be performed and at a fair and reasonable price to the District.
- C. Staff shall prepare a Request for Proposals (RFP) and cost estimate for the proposed consultant work.
- D. For contracts in excess of \$35,000 staff shall establish a list of three or more qualified firms to receive RFPs.
- E. For contracts in excess of \$35,000 the RFP, cost estimate, and list of qualified firms shall be submitted to the Board of Directors for review and approval prior to soliciting proposals.
- F. Upon receipt and review of the proposals solicited in response to the RFP, District staff shall rank the consultants and select the most qualified firms to interview. The ranking shall be based upon demonstrated competence and professional qualifications.
- G. Staff shall commence negotiations for the cost of the services solicited with the highest ranked consultant. Should negotiations be unable to provide a reasonable cost of services, staff may commence negotiations with the next most qualified consultant.
- H. Consultant contracts of less than \$35,000 shall be approved and executed by the General Manager or his/her assignee.
- I. Consultant contracts for \$35,000 or more shall be submitted for approval by the Board of Directors.
- J. For contracts in excess of \$35,000, staff shall submit a recommendation for award to the Board of Directors identifying the rankings and costs.
- K. Consultant contracts funded by deposits from developers are exempt from this policy and shall be approved and executed by the District Engineer. On any of these contracts that are over \$35,000 that are awarded by the District Engineer a

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memo shall be sent to all Board members notifying them of the scope of work and cost of services.

Section 4.04.110 Letting of Contract \$35,000 or Less Without Advertising or Requesting Bids.

Upon approval of the General Manager, the Purchasing Officer or designee may enter into a contract without advertising when the amount required to perform the contract is \$35,000 or less. The payment of prevailing wages and compliance with other applicable Labor Code provisions shall be required for all contracts in excess of \$1,000 or as otherwise required by law. Nothing in this section prohibits the Purchasing Officer from advertising for or requesting bids regardless of the estimated amount to perform the contract.

Section 4.04.120 Contracts Exceeding \$35,000: Notice to Bid.

The Purchasing Officer or designee shall advertise all contracts where the estimated aggregate amount required to perform the contract exceeds \$35,000 at least one and not less than four (4) days prior to opening bids. Such advertisement shall be by notice to bidders to be published in a newspaper, or online, or any other method deemed appropriate by the Board of Directors.

Such notice shall state:

- A. The nature, character or object of the contract.
- B. If plans and specifications are to constitute part of the contract, where the plans and specifications may be examined.
- C. The time and place where sealed bids will be received and opened.
- D. Such other matters as may properly pertain to giving notice to bid.

Section 4.04.130 Formal Bidding Procedure: Bidder's List.

The Purchasing Officer shall also solicit sealed bids from all responsible prospective suppliers who have requested that their names be added to a bidder's list which the Purchasing Officer shall maintain, by sending them a copy of such newspaper notice or other notice as will acquaint them with the proposed purchase.

Section 4.04.140 Formal Bidding Procedure: Bid Opening.

Sealed bids shall be submitted to the Purchasing Officer, who shall open them in public at the time and place stated in the public notices. The Purchasing Officer may delegate the responsibilities of this subsection to responsible assistants and deputies.

Section 4.04.150 Formal Bidding Procedure: Compilation of Bids and Recommendations.

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Following the opening of bids, the Purchasing Officer shall:

- A. Examine all bids to determine whether they are responsive to the bid specifications, and
- B. Determine the quality, fitness and capacity of the bidders to satisfactorily perform the proposed work.

The General Manager shall forward the compilations of bids and his recommendation with respect to an award to the Board of Directors. The Board of Directors may waive minor irregularities in the bids, or reject any or all bids or the bid for any one or more commodities or contractual services included in the proposed contract if they determine that the District interest will be served thereby.

Section 4.04.160 Formal Bidding Procedure: Board Action Following Recommendation.

The Board of Directors shall make an award of contract to the lowest responsive and responsible bidder submitting the best bid in all respects. The lowest responsive and responsible bidder shall be selected by the Board of Directors and that decision shall be final.

Section 4.04.170 Formal Bidding Procedure: Tie Bids.

In the event two or more bids are received which are for the same total amount or unit price and in all other respects are equal, the Board may award the contract upon staff recommending an order based upon a tie-breaking system implemented at the sole discretion of the District.

Section 4.04.180 Emergency Contracts: Competitive Bidding Not Required; "Emergency" Defined.

- A. For the purpose of this section, an "emergency" is one which:
 - 1. Results from the occurrence of a disaster such as, but not limited to: fire, flood, hurricane, riot, power outage or disease; or
 - 2. May lead to impairment of the health, safety or welfare of the public if not immediately attended to.
- B. If the General Manager or the Board of Directors determines that an emergency exists affecting the public health, safety or welfare, a contract or contracts necessary to contend with such emergency may be let without complying with the requirements of this ordinance. If such emergency action was taken by the General Manager, she/he shall report it to the Board at its next regularly scheduled meeting.

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Section 4.04.190 Award of Contract to Lowest Responsive and Responsible Bidder When Board or Purchasing Officer Has Advertised, Requested Bids; Factors to be Considered.

When the Board or the Purchasing Officer has advertised for or requested bids in letting a contract, the award shall be made to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder will be judged on the basis of price, conformance to specifications, and the bidder's quality, fitness and capacity to satisfactorily perform the proposed work.

Section 4.04.200 Rejection of Bids.

A bid received in response to a request for bids may be rejected by the Board or the Purchasing Officer if the Board or Purchasing Officer determines that any such bidder is not responsive or responsible. The Board or the Purchasing Officer reserves the right to reject all bids for any or no reason.

Section 4.04.210 Determination of Bidder's Responsibility.

In determining the responsibility of any bidder, the Board or the Purchasing Officer shall consider the possession of and limit on any required license and may consider the financial responsibility, experience, adequacy of equipment and ability of the bidder to complete performance.

Section 4.04.220 Assignment of Contracts.

- A. No contract awarded may be assigned to any other person without the consent of the Board of Directors.
- B. No contract awarded or any portion thereof may be assigned to any person who was declared by the Board of Directors not to be a responsible person to perform the particular contract.

Section 4.04.230 Bidders' Bonds.

A bid bond, performance bond, payment bond, cashier's check in lieu of the preceding, or any combination thereof, with sufficient surety, in such amount as may be determined necessary by the Purchasing Officer, may be required of each bidder or contractor on a particular contract at the discretion of the District.

Section 4.04.240 Exceptions to Competitive Bidding Requirements: Contracts not Adapted to Award by Competitive Bidding.

- A. Contracts which by their nature are not adapted to award by competitive bidding, including but not limited to:

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1. Items which may only be contracted from a sole source;
 2. Contracts for professional services;
 3. Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person;
 4. Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the District is compatible with the existing equipment; and
 5. For any insurance coverage, may not be subject to the competitive bidding requirements of this ordinance as determined by the General Manager.
- B. Nothing in this section prohibits the Purchasing Officer from advertising for or requesting bids.

Section 4.04.250 Exceptions to Competitive Bidding Requirements: Contracts with Carriers.

- A. Nothing in this ordinance prohibits the Purchasing Officer from contracting for interstate or intrastate carriage of persons or property with a certificated common or contract carrier at the rates set forth in the officially approved tariff of such carrier.
- B. Nothing in this section prohibits the purchasing agency from soliciting informal rate quotations.

Section 4.04.260 Exceptions to Competitive Bidding Requirements: Auction, Closeout, Bankruptcy Sales.

- A. Except as otherwise provided by law, if the General Manager concurs with the Purchasing Officer that the supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale, or sale of merchandise left after the exhibition, or other similar sale at a reasonable savings over the cost of like merchandise and below the market cost in the community, a contract or contracts may be let or the purchase made without complying with the requirements of this ordinance for competitive bidding.
- B. The documentation for the purchase or acquisition must be summarized for the next regularly scheduled meeting of the Board of Directors, together with written justification showing savings involved.

Section 4.04.270 Exceptions to Competitive Bidding Requirements: Failure to Receive Responsible Bids.

When the Purchasing Officer has advertised or requested bids in letting a contract and no

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responsible bids are received, the Board may let the contract without competitive bidding.

Section 4.04.280 Exceptions to Competitive Bidding Requirements: Surplus Supplies and Equipment Purchases.

The Purchasing Officer may purchase, without advertising, surplus goods and equipment from the federal, state, and local governments, or any of their agencies.

Section 4.04.290 Collusion Among Bidders, Advance Disclosures: Effect.

- A. Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders and any contract resulting therefrom null and void.
- B. Advance disclosures of any information to any particular bidder which would give that particular bidder any advantage over any other interested bidder in advance of the opening of bids, whether in response to advertising or an informal request for bids, made or permitted by a director of the District or an officer, employee or representative thereof, shall render all proposals of that particular bid solicitation or request void.

Section 4.04.300 Trade-In Allowances for Personal Property.

When purchasing personal property, the Purchasing Officer, in the notice to bidders, may call for allowances for personal property of the District which has been determined by the General Manager and approved by the Board of Directors to be no longer required for public use, and the award of the bid, if any, shall be to the bidder submitting the lowest net bid after deduction of such trade-in allowance.

Section 4.04.310 Cooperative Purchasing.

The Purchasing Officer shall have authority to join with other public jurisdictions in cooperative purchasing plans for the purchase of supplies, materials, services and equipment. The Purchasing Officer may also buy or lease directly from a vendor at a price established by competitive bidding by another public jurisdiction in substantial compliance with this ordinance even if the District has not joined with that public agency in a cooperative purchase. The Purchasing Officer also may purchase supplies, materials, services and equipment from the United States of America or any state, municipality or other public corporation or agency without following formal bidding procedures as provided in this ordinance.

Section 4.04.320 Declaration and Disposal of Surplus Property.

- A. Definitions:
 - 1. "Surplus District Property" refers to those supplies or equipment

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belonging to the Ramona Municipal Water District which are no longer used or which have become obsolete, worn out, or which are otherwise of no further use.

2. "Immediate Family" refers to the husband, wife, mother and father of both husband and wife, son, daughter, brother and sister of the employee, or any relative by blood or marriage residing in the same household.
 3. "Charitable Organization" refers to a non-profit organization exempt from taxation under the provisions of the Internal Revenue Service Code, 26 U.S.C. 501 (c) (3), whose primary purpose is public service.
- B. Declaration of Surplus: All using departments shall submit to the Purchasing Officer, at such times and in such forms as prescribed, reports listing all available surplus District property. Before any item can be declared surplus and disposed, it must be approved at various levels depending on the estimated current market value. The Department Manager and Purchasing Officer must approve the surplus request for any item with an estimated current market value less than \$1,500. If the estimated current market value of an item requested for surplus is \$1,500 or more but less than \$5,000, the Chief Financial Officer's approval is also required. If the estimated current market value of an item requested for surplus is \$5,000 or more, the General Manager's approval is also required.
- C. Disposal Required: The Purchasing Officer shall determine if any surplus District property can be used by any department of the District. If such supplies or equipment cannot be or are unsuitable for District use, the Purchasing Officer shall, in the manner hereinafter provided, dispose of such supplies and equipment. The Chief Financial Officer is authorized to sign bills of sale and any other papers or documents evidencing such sales for and on behalf of the District.
- D. Manner of Disposal:
1. If the surplus District property which is not required for District use has been determined by the Purchasing Officer to have an estimated current market value of less than one thousand five hundred dollars (\$1,500) or more per unit, item or common lot, the Purchasing Officer may dispose of said property on the open market without advertising for bids.
 2. If the surplus District property which is not required for District use has been determined by the Purchasing Officer to have an estimated current market value of one thousand five hundred dollars (\$1,500) or more per unit, item or common lot, the Purchasing Officer shall dispose of the property by the advertised solicitation of bids with award going to the highest responsible bidder. The Purchasing Officer shall provide notice of the solicitation of bids through advertisement in a newspaper of general circulation in Ramona, printed and published in the County of San Diego. Such notice shall be given at least seven (7) days before the last established date for the receipt of bids as designated in the notice.
 3. Bids may be obtained in the manner determined by the Purchasing

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Officer which will encourage the highest bid.

4. Disposal of scrap materials (i.e. metal, wood, tires, engine oil, etc.) may be accomplished by the Purchasing Officer through term contract or other means utilizing the competitive bid process. Commodity indices, industry practice, and other economic indicators should be used as guidelines in developing the sale method.
 5. Those items which are determined to be unsalable by the Purchasing Officer may be donated to charitable organizations or discarded.
- E. Funds: The amount received for any property sold pursuant to this ordinance shall be deposited in the departmental fund from which the property was originally purchased.
- F. District Personnel Prohibited: No District officer or employee or any member of the immediate family living in the same household of a District officer or employee shall purchase District property in accordance with this ordinance.

Section 4.04.330 Authority of General Manager to Enter Into and Approve Contracts and Contract Change Orders.

- A. The General Manager has authority to negotiate, approve and enter into contracts and purchases for supplies, services and equipment of \$60,000 or less and change orders valued up to 10% of the initial contract price or \$60,000, whichever is greater. All other contracts and purchases shall be submitted to the Board of Directors for approval and authorization.
- B. The cumulative value of change orders to a contract shall not exceed \$60,000 or 10% of the contract price, whichever is greater, without Board approval except in an emergency.
- C. The cumulative value of change orders shall be the sum of all change orders to a contract that have not been reported to the Board. Once a change order is reported to the Board, it shall not be considered part of the limitation specified above.
- D. Any change orders in excess of the limits specified above, or where the scope or nature of the project would be substantially changed, shall be submitted to the Board for approval, modification or rejection. Substantial change is defined as scope that is beyond the original intent approved by the Board and not intended by the Board approved contract documents.
- E. No person shall split or separate into smaller projects any contract or change order to evade the limitations expressed in this section.

Section 4.04.340 Authority of General Manager to Approve Emergency Contracts and Contract Change Orders.

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- A. Emergency shall be as defined in Section 4.04.180 Emergency Contracts: Competitive Bidding Not Required; “Emergency” Defined, and any situation in which the District would be subject to delay claims if a change order is not issued immediately.
- B. The General Manager has authority to approve emergency contracts or change orders of \$100,000 or less.
- C. The General Manager shall notify the Board of Directors as soon as possible on any emergency approvals.

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Chapter 4.08

INVESTMENT POLICY

Contents:

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Section 4.08.010 Introduction.

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment related activities. The ultimate goal is to enhance the economic status of the Water District while protecting its funds. The three primary goals of this policy are:

- A. To assure compliance with all Federal, State and Local laws governing the investment of monies under the control of the Chief Financial Officer.
- B. To protect the principal monies entrusted to this Water District.
- C. To generate the maximum amount of investment income within the parameters of this Statement of Investment Policy.

The Board of Directors and upon formal delegation, the Chief Financial Officer for the Ramona Municipal Water District, duly authorized to invest District monies by California Government Code, are trustees of District funds and therefore fiduciaries subject to the prudent investor standard.

Section 4.08.020 Scope.

It is intended that this policy cover all funds and investment activities under the direct authority of the District, except for employee's retirement funds, deferred compensation funds, or other post-employment benefit trust fund (if any).

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Section 4.08.030 Objectives.

- A. Safety: It is the primary duty and responsibility of the Chief Financial Officer to protect, preserve and maintain cash and investments placed in his/her trust. Each investment transaction shall seek to ensure that capital losses are avoided, whether from institution default, broker-dealer default, or erosion of market value of securities. The Chief Financial Officer shall evaluate or cause to have evaluated each potential investment, seeking both quality in issuer and in underlying security or collateral.

Diversification of the portfolios will be used in order to reduce exposure to principal loss.
- B. Liquidity: An adequate percentage of the portfolio will be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements.
- C. Yield: Yield becomes a consideration only after the basic requirement of safety and liquidity has been met.
- D. Market-Average Rate of Return: The investment portfolio shall be designed to attain a market-average rate of return throughout economic cycles, taking into account the District's risk constraints, the cash flow characteristics of the portfolio, state and local laws, and ordinances or resolutions that restrict investments. Market-average rate of return is defined as the average return on one year U.S. Treasury bills.
- E. Diversification: The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.
- F. Prudence: The Board of Directors and the Chief Financial Officer adheres to the guidance provided by the "prudent investor standard" as set forth by California Government Code section 53600.3, which provides that ". . . all governing bodies of local agencies are persons authorized to make investment decisions on behalf of those local agencies investing public funds are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, a trustee shall act with care, skill, prudence and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."
- G. Public Trust: All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust. In a diversified portfolio it must be recognized that occasional measured losses are inevitable, and must be considered within the context of overall portfolio's investment return, provided that adequate diversification has been implemented.

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Section 4.08.040 Delegation of Authority.

The investment, per this policy, of District idle monies is annually delegated to the Chief Financial Officer who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires.

Section 4.08.050 Reporting.

The Chief Financial Officer will submit a monthly investment report to the Board of Directors. This report will include: type of investment, issuer, date of maturity, amount of deposit/par amount, current market value of all securities, rate of interest, statement that there are or are not sufficient funds to meet the next 6 months obligations and a statement indicating compliance or noncompliance with this Statement of Investment Policy.

Section 4.08.060 Authorized Investment Instruments.

The Water District is governed by the California Government Code, Sections 53600 et seq. Within the context of these limitations, the following investments are authorized:

- A. Local Agency Investment Fund: The District may invest in the Local Agency Investment Fund established by the State Treasurer for the benefit of local agencies. In order to ensure that LAIF is purchasing securities that comply with the Government Code, the monthly report shall be reviewed by the Chief Financial Officer. The fund must have twenty-four hour liquidity. The maximum permitted investment will be governed by State Law.

The District may also invest bond proceeds in the Local Agency Investment Fund. There is a \$175M limit on the amount of bond proceeds that may be deposited into the fund. Liquidity for bond proceeds, per fund regulations, is thirty calendar day increments from the date of the initial deposit.

- B. Bankers Acceptances: The District may invest in prime self-liquidating banker's acceptances limited to banks rated a minimum of "A" by Moody's Investors Service and Standard and Poor's Corporation. The maximum investment maturity will be restricted to 270 days as per Government Code Section 53601(f). Maximum portfolio exposure will be limited to 20 percent and single-user holdings to no more than 5 percent per issuer.
- C. Treasury Securities: No restriction on the purchase of bills, notes or bonds. The purchase of zero coupon, strips, or deep discount treasury bonds is not permitted. Because these investments are the safest possible there is, no maximum portfolio limit. Maximum investment maturities will be restricted to five years.
- D. Certificates of Deposit: The District may invest in collateralized certificates of deposits issued by commercial banks and savings and loans (Government Code Sections 53601(h) and 53635(h)). A written depository contract is required with all institutions that hold District deposits. Securities placed in a collateral pool must

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provide coverage for at least 110 percent of all deposits that are placed in the institution. Acceptable pooled collateral is governed by California Government Code Section 53651. All banks are required to provide the District with a regular statement of pooled collateral. This report will state that they are meeting the 110 percent collateral rule (Government Code Section 53652(a)), a listing of all collateral with locations and market value, plus an accountability of the total amount of deposits secured by the pool.

No bank shall receive District funds that have a Moody's investors Service rating or Standard and Poor's Corporation rating less than "A".

Deposits of up to \$250,000 are allowable in any institution that insures its deposits with the Federal Deposit Insurance Corporation, regardless of Moody's Investors Service or Standard and Poor's Corporation rating. The Chief Financial Officer, for deposits of up to \$250,000 may waive collateral requirements. A maximum of \$250,000 will be deposited in any one institution without collateral.

All banks are required to provide annual information regarding compliance to the Community Reinvestment Act. Banks are required to maintain a minimum rating of "satisfactory" as defined under the Financial Institutions Recovery Reform and Enforcement Act.

As per section 53638 of the California Government Code, any deposit shall not exceed the total paid-up capital and surplus of any depository bank, nor shall the deposit exceed the total net worth of any institution.

Maximum portfolio exposure is limited to 15 percent. Maximum investment maturity will be restricted to two years.

- E. Negotiable Certificates of Deposit: Investments are limited to deposits issued by a nationally or state-chartered bank or a state or federal association or by a state-licensed branch of a foreign bank (Government Code Section 53601(h)) with a minimum rating of "AA" as assigned by Moody's Investors Service and Standard and Poor's Corporation.

As per section 53638 of the California Government Code, a deposit shall not exceed the total paid-up capital and surplus of any depository bank, nor shall the deposit exceed the total net worth of any institution.

Maximum portfolio exposure is limited to 15 percent. Maximum investment maturity is restricted to one year.

- F. Commercial Paper: Investment is limited to the highest grade of stand alone or enhanced ("prime") commercial paper as rated by Moody's Investors Service or Standard & Poor's Corporation (A1/P1), issued only by corporations that are organized and operating within the United States and having total assets of \$500 million. The corporation must also have an "A" (Government Code Section 53601) rating or higher for the issuer's debentures, other than commercial paper, as provided by Moody's Investors Service or Standard & Poor's Corporation. Purchases shall not exceed ten percent of the outstanding paper of the issuing corporation. Maximum investment maturity will be restricted to 270 days

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(Government Code Section 53601). Maximum portfolio exposure is limited to 25 percent and single-issuer holdings to no more than 10 percent per issuer.

- G. Medium Term Notes: Investment is limited to "A" rated or higher notes, as rated by Moody's Investors Service and Standard & Poor's Corporation. Permissible types of notes include fixed rate and variable rate. Maximum investment maturity is restricted to two years of "A" and "AA" rated notes and five years of "AAA" rated notes. Maximum portfolio exposure is limited to 15 percent and single-issuer holding to no more than 10 percent per issuer. At the discretion of the Treasurer, exceptions will be allowed to the single-issuer maximum of 5 percent, when in his/her judgment, the issuer(s) have a AAA credit rating from Moody's Investors Service and Standard and Poor's Corporation, and the investment has sufficiently short remaining durations (up to 90 days).
- H. Agencies: The District is permitted to invest in the following discount, coupon and variable rate security issuers: Farm Credit Consolidated System; Federal Home Loan Banks; Federal Home Loan Mortgage Corporation; Student Loan Market Associations; Federal National Mortgage Association; Federal Farm Credit Bank; Tennessee Valley Authority; Private Export Funding Corporation; and Federal Land Bank. Maximum maturity is limited to 5 years. Maximum portfolio exposure is limited to 55 percent.
- I. Mortgage Pass-Through Securities: The District is permitted to invest in any mortgage pass through security, collateralized mortgage obligation, mortgage backed bond of a maximum maturity of five years. Securities must have an AA credit rating from Moody's Investors Service and Standard and Poor's Corporation. The maximum portfolio exposure is limited to 20 percent.
- J. Money Market/ Mutual Funds: Investment is limited to funds that have a minimum asset size of \$500 million. Composition of the fund is limited to investments that are authorized by this Statement of Investment Policy. Funds must have the highest rating by two of the three largest nationally recognized rating services, or have an investment adviser registered with the Securities and Exchange Commission with no less than five years' experience investing in securities and obligations authorized by this investment policy. Any fund shares purchased will not include any type of commission. Maximum portfolio exposure is limited to 15 percent.
- K. California Asset Management Program (CAMP): California Asset Management Trust is a California common law trust established pursuant to Title 1, Division 7, Chapter 5 of the Government Code of the State of California. Funds must have the highest rating among two rating categories by one of the nationally recognized statistical-rating organizations. If the District has funds invested in CAMP, the District shall maintain on file CAMP's disclosure statement listing its investment policy and its requirements for participation, including limitations on deposits or withdrawals. (Government Code Section 53601(p)).
- L. San Diego County Treasurer's Pooled Money Fund: This is a local government investment pool managed by the San Diego County Treasurer-Tax Collector. If the District has funds invested in San Diego County Pool, the District shall maintain on file the San Diego County Treasurer's Pooled Money Fund Investment Policy

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and its requirements for participation, including limitations on deposits or withdrawals. ((Government Code Section 53684)

Section 4.08.070 Portfolio Limitations.

In the event that the percentage limits attributable to each security type are violated due to a temporary imbalance in the portfolio, the Chief Financial Officer will make a determination as to the appropriate course of action. The appropriate course of action may be to liquidate securities to rebalance the portfolio or to hold the securities to maturity in order to avoid a market loss. Portfolio percentages are in place to ensure diversification of the investment portfolio and as such a small temporary imbalance would not violate this basic tenet. When a portfolio percentage is exceeded, the Chief Financial Officer will report the violation in the Monthly Financial Report at the next regularly scheduled Board meeting, with detail of the strategy determined to address the imbalance, for Board ratification.

Section 4.08.080 Ineligible Investment.

Investments not described herein, including, but not limited to common stocks, futures and the writing of options are prohibited from use in this portfolio. The use of short positions is also prohibited.

- A. Derivatives: A derivative is defined as a financial instrument that derives its cash flows, and therefore its value, by reference to an underlying instrument, index or reference rate. The purchase of yield curve notes, interest only, principal only, range notes, and inverse floaters are prohibited (this list is not intended to cover all types of securities and is presented as an example of the types of securities that should be avoided). Callable bonds, step-up bonds, and floating rate securities (with a positive spread) are permitted investments. No security will be purchased that could result in a zero interest accrual if held to maturity.
- B. Swaps: A swap is a shift of assets from one instrument to another and may be done for a variety of reasons, such as to increase yield, lengthen or shorten maturities, to take a profit, or to increase investment quality. In no instant shall a swap be used for speculative purposes. A swap transaction will only be executed if economic gain can be realized. Any such swap shall be simultaneous (same day execution of sale and purchase).

Section 4.08.090 Internal Controls.

The Chief Financial Officer shall establish a system of internal controls to be examined and monitored by the District's independent auditor. The controls shall include the requirement that all purchases and sells of investment be by wire transfer from and to the District's authorized depository.

Section 4.08.100 Qualified Banks and Securities Dealers.

The District shall conduct business only with banks, savings and loans, and registered investment securities dealers. The Chief Financial Officer will investigate various firms available in the market

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place with consideration to their specialties and practices. The Chief Financial Officer will exercise special care when considering new investment products and services. A verifiable record of successful implementation in other public agencies is preferred.

Section 4.08.110 Risk Tolerance.

The District recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. Investments in the Local Agency Investment Fund alone meet the diversification requirement because it is investing in a fund which meets all the requirements of California Government Code, Sections 53600 et seq. The Chief Financial Officer is expected to display prudence in the selection of securities, as a way to minimize default risk. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio. The Chief Financial Officer shall periodically establish guidelines and strategies to control risk of default, market price changes and illiquidity.

Risk will also be managed by subscribing to a portfolio management philosophy that helps to control market and interest rate risk by investing to a shorter term. This philosophy also prohibits trading losses (for speculative purposes) unless there is a sudden need for liquidity and the need cannot be satisfied on a more cost effective basis. Loss of principal will only be acceptable if economic gain can be conclusively demonstrated.

Section 4.08.120 Safekeeping and Custody.

Where possible, investment securities are to be purchased in book-entry form in the District's name and held in safekeeping for the District by the broker, bank or other institution properly insured and recognized as an appropriate depository for similar investments. Term and non-negotiable instruments, such as certificates of deposit, can be held by the Chief Financial Officer or in safekeeping as the Chief Financial Officer deems appropriate. All instruments shall be in the name of the District.

Section 4.08.130 Ethics and Conflict of Interest.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officers shall disclose any material financial interest in financial institutions that conduct business with this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the District's portfolio. All officers and employees involved in the investment of public funds are required to comply with the District's Conflict of Interest Code.

Section 4.08.140 Statement of Investment Policy.

This Statement of Investment Policy shall be reviewed and submitted annually to the Board of Directors in order to incorporate any changes necessary to ensure consistency and its relevance to current law, and financial and economic trends. This Statement of Investment Policy shall be reviewed at a public meeting and voted on prior to the start of each calendar year.

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Section 4.08.150 Glossary.

“Agencies”: Federal agency securities. Examples include: Student Loan Marketing Association, Tennessee Valley Authority, and the Federal Home Loan Banks.

“Asked”: The price at which securities are offered. (The price at which a firm will sell a security to an investor.)

“Bankers’ Acceptance” (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institute guarantees payment of the bill, as well as the issuer.

“Basis Point”: One one-hundredth of a percent (i.e. 0.01%).

“Bid”: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid).

“Broker”: A broker brings buyers and sellers together for a commission. He/She does not take a position.

“Certificate of Deposit” (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

“Collateral”: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

“Commercial Paper”: Short term obligations issued by banks, corporations, and other borrowers to investors with temporary idle cash. Such instruments are unsecured and are issued on a discounted basis.

“Coupon”: a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. b) A certificate attached to a bond evidencing interest due on a payment date.

“Dealer”: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

“Debenture”: A bond secured only by the general credit of the issuer.

“Delivery versus Payment”: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

“Derivative”: A financial instrument that derives its cash flows, and therefore its value, by reference to an underlying instrument, index or reference rate.

“Discount”: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

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“Discount Securities”: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value (i.e. U.S. Treasury Bills).

“Diversification”: Dividing investment funds among a variety of securities offering independent returns.

“Federal Credit Agencies”: Agencies of the Federal government set up to supply credit to various classes of institutions (e.g. S&L's, small business firms, students, farmers, farm cooperatives, and exporters).

“Federal Deposit Insurance Corporation” (FDIC): A Federal agency that insures bank deposits, currently up to \$250,000 per deposit.

“Federal Funds Rate”: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

“Federal Home Loan Banks” (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

“Federal National Mortgage Association” (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a Federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as corporation is called, is a private stockholder owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

“Federal Open Market Committee” (FOMC): Consists of seven members of the Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

“Federal Reserve System”: The central bank of the United States created by Congress and consisting of a seven-member Board of Governors in Washington, D.C.; 12 regional banks and about 5,700 commercial banks are members of the system.

“Liquidity”: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

“Local Government Investment Pool” (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer (LAIF) for investment and reinvestment.

“Medium Term Note”: Corporate and Agency, usually senior debt instruments sold by an agent on a continuously offered basis.

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“Market Value”: The price at which a security is trading and could presumably be purchased or sold.

“Market Repurchase Agreement”: A written contract covering all future transactions between the parties to repurchase reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

“Maturity”: The date upon which the principal or stated value of an investment becomes due and payable.

“Medium Term Note”: Corporate and Agency, usually senior debt instruments sold by an agent on a continuously offered basis.

“Money Market Funds”: Third party funds that are subject to SEC (Investment Company Act of 1940) regulations that specify diversification requirements and the types of securities that they may purchase. They do not have to abide by the same restrictions that apply to public agencies (Section 53601).

“Offer”: The price asked by a seller of securities. (When you are buying securities, you ask for an offer). See "Asked" and "Bid".

“Open Market Operations”: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inflect reserves into the bank system and stimulate growth of money and credit. Sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

“Portfolio”: Collection of securities held by an investor.

“Primary Dealer”: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC), registered securities broker/dealers, banks and a few unregulated firms.

“Prudent Person Rule”: An investment standard. In some states, the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state - the so-called "legal list". In other states, the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

“Mutual Funds”: Third party funds that are subject to the investment guidelines as described under code Section 53601.

“Private Export Funding Corporation”: Created by the U.S. Department of Treasury and the Export-Import Bank to increase the funding available to finance U.S. exports. Interest payments and principal payments are backed by the full faith and credit of the U.S. Government.

“Rate of Return”: The yield obtainable on its purchase price or its current market price. This may be the amortized yield to maturity; on a bond, the current income return.

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“Repurchase Agreement” (RP or REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

“Safekeeping”: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

“Second Market”: A market made for the purchase and sale of outstanding issues following the initial distribution.

“Securities and Exchange Commission”: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

“Swap”: A shift of assets from one instrument to another and may be done for a variety of reasons, such as to increase yield, lengthen or shorten maturities, to take a profit, or to increase investment quality.

“Tennessee Valley Authority”: Established in 1933 by the U.S. Government to strengthen the regional economy and national defense by controlling the Tennessee River. TVA is a wholesaler of power to local distributors, federal agencies, and industries. The borrowings of TVA are part of the federal budget and the TVA Act guarantees a line of credit with the U.S. Treasury. However, obligations are guaranteed by the TVA, not the U.S. Government.

“Treasury Bills”: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

“Treasury Bond”: Long-term U.S. Treasury securities having initial maturities of more than 10 years.

“Treasury Notes”: Intermediate-term coupon bearing U.S. Treasury securities having initial maturities of from one year to ten years.

“Yield”: The rate of annual income return on an investment, expressed as a percentage.

- A. “Income Yield” is obtained by dividing the current market price for the security.
- B. “Net Yield” or “Yield to Maturity” is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

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Chapter 4.10

PROCEDURE TO REVIEW AND APPROVE GRANTS

Contents:

Section 4.10.010	Introduction.
Section 4.10.020	Grant Initiator Duty.
Section 4.10.030	Board Grant Workshop.
Section 4.10.040	Grant Application Approval.
Section 4.10.050	Exception to Grant Application Review and Approval Process.

Section 4.10.010 Introduction.

Except as set forth in Section 4.10.050, the grant review and approval process must follow the formal agenda process.

Section 4.10.020 Grant Initiator Duty.

Any Grant which a grant initiator feels would be of interest to the District will be submitted as a Board Agenda item outlining the key elements of the Grant, how it will help the District with the recommendation for the setting of a date for a Board Workshop.

Section 4.10.030 Board Grant Workshop.

A Special Board Grant Workshop will be held for the review of the technical, legal, financial and schedule commitments. At the end of the Workshop, the Board will decide either to continue with the completion of the Grant application or cancel any further effort.

Section 4.10.040 Grant Application Approval.

Providing the Board decides to continue, a completed application will be submitted as an Agenda item for the discussion and possible approval of the completed Grant application. Changes, corrections and deletions will be incorporated into the application and a resolution adopted contingent upon such incorporation.

Section 4.10.050 Exception to Grant Application Review and Approval Process.

Notwithstanding the grant review and approval processes delineated in Sections 4.10.010 through 4.10.040, there may be grant deadlines or timelines that require the grant initiator to quickly complete and submit a grant application to timely qualify for consideration; deadlines that may not provide sufficient time for the grant initiator to comply with all the processes set forth in Sections 4.10.010 through 4.10.040. As such, the Board authorizes, as an exception to

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the procedures set forth in Sections 4.10.010 through 4.10.040, a grant initiator to complete and submit a grant application on behalf of the District so long as the grant is consistent with the policies and goals of the District and grant award would not bind the District in any manner or otherwise require the District to act. The Board authorizes the General Manager or his or her designee, on behalf of the District, to sign a grant application completed and submitted under this Section 4.10.050. The grant initiator and the General Manager or his or her designee shall utilize their best efforts to ensure that grant applications submitted pursuant to this Section 4.12.050 are accurate and, in good faith, serve to further the interests and policies of the District. The Board shall be notified of any grant application submitted pursuant to this provision via an informational electronic message ("email"), in conformance with the Brown Act, Government Code § 54950 et seq.

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Chapter 5.02

MISSION STATEMENT

Contents:

Section 5.02.010 Mission Statement.

Section 5.02.010 Mission Statement.

- A. The very basic mission for the District's Fire Department is to protect and preserve life and property, in that order. This requires a well-trained, efficient organization that provides the basic levels of fire protection which are:
1. Fire response;
 2. Medical and rescue response;
 3. Hazardous materials response;
 4. Public assistance response;
 5. Weed abatement;
 6. Building plans checking;
 7. Annual public assembly building inspections;
 8. Hydrant maintenance;
 9. Public education and information;
 10. Law enforcement;
 11. Fire investigation.
- B. The means to achieve these ends are listed as follow in priority order:
1. Emergency Response - Personnel. Respond to emergency responses quickly, safely and prepared.
 2. Public Image. Maintain a positive fire service image. Display at all times a helpful, caring and public service attitude.
 3. Physical Fitness. Maintain good physical fitness.
 4. Fire Apparatus Readiness. Maintain all emergency response apparatus in a clean and serviceable condition; ready and fully stocked; available for immediate emergency response at all times.
 5. Training. Perform training and drills commensurate with fire service provider policy and local needs.
 6. Facility Maintenance / Cleanliness / Repair. Maintain all fire stations to a high degree of cleanliness, serviceability and repair. Fire stations should be ready to accept the public during normal business hours, seven days per week.

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7. Fire Protection / Engineering / Prevention. Fire service provided will conform to all state and local ordinances regarding inspections and fire prevention.
8. Ambulance Billing and Collections. Strive to meet industry average collections as a minimum.
9. Nothing in this mission statement shall be construed to limit or prevent fire service provider from exercising good judgment in providing services to the people of Ramona.

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Chapter 5.04

CALIFORNIA FIRE CODE

Contents:

Section 5.04.010 Adoption of the California Fire Code.

Section 5.04.020 Revisions to the Fire Code.

Section 5.04.030 Geographical Limits.

Section 5.04.010 Adoption of the California Fire Code.

The Board of Directors of the Ramona Municipal Water District adopts as the Fire Code for the Ramona Municipal Water District the following: the 2019 California Fire Code, including the appendices I & N of the 2018 International Fire Code (IFC), and the National Fire Protection Association Standards 13, 13-R & 13-D, as referenced in Chapter 80 of CFC, together with the District's amendments in this Ordinance. This Fire Code is adopted for the protection of the public health and safety. It includes definitions, provisions for the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings, requirements for permits and inspection for installing or altering systems, regulations for the erection, construction, enlargement, alteration, repair, insertions, deletions and changes, if any, prescribed in Section 4 of this ordinance.

Section 5.04.020 Revisions to the Fire Code.

SEC. 101.5. VALIDITY.

Section 101.5 of the California Fire Code is revised to read:

Sec. 101.5 Validity. The Board of Directors declares that should any section, paragraph, sentence or word of this chapter be declared invalid for any reason it is the intent of this Board that it would have passed all other portions of this chapter independently of any portion that may be declared invalid.

SEC. 102.13. REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS OR MOTIONS.

Section 102.13 is added to the California Fire Code to read:

Sec. 102.13 Repeal of conflicting ordinances, resolutions or motions. All former ordinances, resolutions or motions or parts thereof, conflicting or inconsistent with the provisions of this chapter are repealed.

SEC 104.8. MODIFICATIONS.

Section 104.8 of the California Fire Code is revised to read:

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Sec. 104.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impracticable and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The applicant's request for a modification shall state the specific sections(s) for which a modification is requested, material facts supporting the contention of the applicant, the details of the modification or mitigating measure proposed and, if applicable, a map showing the proposed location and citing of the modification or mitigation measure. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

SEC 104.12. COST RECOVERY.

Section 104.12 is added to the California Fire Code to read:

Sec. 104.12 Cost recovery. The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the fire department to protect the public from criminal or negligible activities, and from fire or hazardous substances.

Sec. 104.12.1 Reimbursement required. In accordance with the Health and Safety Code section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the agency for the costs incurred. In accordance with Government Code sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the cost incurred.

105.3.9. EXPENSE RECOVERY.

Section 105.3.9 is added to the California Fire Code to read:

Sec. 105.3.9 Expense recovery. The fire code official may impose a fee for recovery of expenses incurred to enforce the fire prevention provisions of this code.

105.6.6.1. CHRISTMAS TREE LOTS.

Section 105.6.6.1 is added to the California Fire Code to read:

Sec. 105.6.6.1 Christmas tree lots. An operational permit is required to operate a Christmas tree lot, with or without flame proofing services.

SEC 105.6.20.1. GREENWASTE RECYCLING, MULCHING, COMPOSTING OPERATIONS AND STORAGE.

Section 105.6.20.1 is added to the California Fire Code to read:

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Sec. 105.6.20.1 Greenwaste recycling, mulching, composting operations and storage. An operational permit is required for green waste recycling, mulching, composting operations and storage.

SEC. 105.8. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH REQUIRE PERMITS.

Section 105.8 is added to the California Fire Code to read:

Sec. 105.8 New materials, processes or occupancies which require permits. The fire code official may determine, after allowing affected persons an opportunity to be heard, that a material, process or occupancy, not listed in this code shall require a permit, in addition to those now enumerated in this code. In that case, the fire code official shall prepare a list of any additional material, process or occupancy that shall require a permit and post the list in a conspicuous place in the offices of the fire authority having jurisdiction. Any interested person may obtain a copy of the list.

SEC. 109. APPEALS.

Section 109 of the California Fire Code is revised to read:

Sec. 109.1 Regional Fire Appeals Board established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, including the granting or denial of modifications, there shall be and is hereby created a Regional Fire Appeals Board (Appeals Board). The Appeals Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. A copy shall also be sent to the Building Official or other decision maker for the project, whichever is appropriate.

Sec. 109.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Appeals Board shall not have authority to waive requirements of this code.

Sec. 109.3 Qualifications. The Appeals Board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the jurisdiction.

Sec. 109.4 Appeals procedures. This section establishes appeal procedures of an order, decision or determination (collectively, "determination") made by the fire code official, including the granting or denial of appeals.

Sec. 109.4.1 Appeals of determinations regarding building permits. The County, fire agency or project applicant may appeal a determination made by the fire code official related to a project for which a building permit is required by filing an appeal in writing with the Appeals Board within 30 days of the fire code official's final determination. The Appeals Board shall make factual findings and issue a written recommendation to the

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County Building Official on whether the fire code official's determination should be upheld, overruled or modified. The Building Official may not waive the requirements of this code, except as authorized by the code and is subject to the same requirements and restrictions in the code that applied to the fire code official. A copy of the recommendation shall be provided to the applicant. The County Building Official shall act on the Appeals Board's recommendation and issue a written decision to the parties within 15 days of receipt of the Appeals Board's recommendation. The Building Official's decision shall be final.

Sec. 109.4.2 Appeals of determinations regarding discretionary permits. The County, the fire agency or the project applicant may seek review of the fire code official's determination by the Appeals Board by filing a request for review with the Appeals Board within 30 days of the fire code official's determination. When reviewing a fire code official's determination pursuant to this subsection, the Appeals Board shall act in an advisory capacity. The Appeals Board shall review the fire code official's determination and make a recommendation to uphold, overrule or modify the fire code official's determination. The Appeals Board shall render its recommendation to the County decision maker or decision-making body for consideration with the application for the discretionary permit.

Sec. 109.4.3 Appeals of determinations for matters other than building permits or discretionary permits.

Areas outside a fire protection district. Any affected party may appeal a determination made by the fire code official regarding a matter for which a building permit or discretionary permit is not required by filing an appeal in writing with the Appeals Board within 30 days of the fire code official's final determination. The Appeals Board shall review the fire code official's determination and make a recommendation to uphold, overrule or modify the fire code official's determination. The Appeals Board's determination shall be final.

(a) **Areas inside a fire protection district.** Any affected party may appeal a determination made by the fire code official regarding a matter for which a building permit or discretionary permit is not required by filing an appeal in writing with the fire protection district's Board of Directors within 30 days of the fire code official's final determination. The Board of Directors shall review the fire code official's determination and make a recommendation to uphold, overrule or modify the fire code official's determination. The Board of Director's determination shall be final.

Sec. 109.5 Regional Fire Appeals Board.

(a) The Appeals Board members shall consist of the following:

- Two representatives from the San Diego County Fire Districts Association.
- Two chief officers from CAL FIRE.
- One fire marshal from the unincorporated area of the County.

(b) The Appeals Board shall not include a representative from the agency whose fire code official made the determination that is being appealed. An alternate for the regular member(s) of the Appeals Board shall be designated to serve in this situation.

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- (c) Three members shall constitute a quorum for the transaction of business, and three affirmative votes shall be necessary to render a recommendation.
- (d) If the Appeals Board recommends a modification to this code for an individual case, a copy of the recommendation and findings along with a map showing the proposed modification and mitigating measures shall be forwarded to the Unit Chief of CAL FIRE, San Diego/Imperial Unit.

SEC. 110.4 VIOLATIONS, PENALTIES AND RESPONSIBILITY FOR COMPLIANCE.

Section 110.4 of the California Fire Code is revised to read:

Sec. 110.4 Violations, penalties and responsibility for compliance. Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specification or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the attorney for the Ramona Municipal Water District or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of an infraction or misdemeanor, punishable by a fine not exceeding \$1,000.00 or by imprisonment in County Jail not exceeding six (6) months, or both. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

AMENDMENT TO SECTION 112.4.

SEC. 112.4 FAILURE TO COMPLY.

Section 111.4 of the California Fire Code is revised to read:

Sec. 112.4 Failure to comply. Any person who shall continue any work, having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 or more than \$1,000.00.

SEC. 202. DEFINITIONS.

Section 202 of the California Fire Code is revised by adding or modifying the following definitions:

ACCESSORY DWELLING UNIT. Defined as an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and

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sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

AERATED STATIC PILE. A composting process that uses an air distribution system to blow or draw air through the pile. Little or no pile agitation or turning is performed.

BLASTER. A person who has been approved by the Sheriff to conduct blasting operations and who has been placed on the list of approved blasters. The listing shall be valid for one year unless revoked by the Sheriff.

BLASTING AGENT. A material or mixture consisting of a fuel and oxidizer intended for blasting. The finished product as mixed and packaged for use or shipment shall not be detonated by means of a No. 8 test blasting cap when unconfined.

BLASTING OPERATION. The uses of an explosive device or explosive material to destroy, modify, obliterate or remove any obstruction of any kind.

BLASTING PERMIT. A permit issued by the Issuing Officer pursuant to section 105.6.15. The permit shall apply to a specific site and shall be valid for a period not to exceed one year.

BLAST SITE. The geographically defined area, as shown on a project map or plot plan, where a blaster is authorized by a blasting permit issued under this section to conduct a blasting operation.

CHIPPING AND GRINDING. An activity that mechanically reduces the size of organic matter.

COMPOSTING OPERATION. An operation that is conducted for the purpose of producing compost. The operation shall be by one or more of the following processes used to produce a compost product: static pile, windrow pile or aerated static pile.

DEAD-END ROAD. A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

DISTANCE MEASUREMENT. All specified or referenced distances are measured along the ground, unless otherwise stated.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family.

ENCLOSED. Closed in or fenced off.

EXPLOSIVES PERMIT. A permit to possess or use explosives, issued by the Issuing Officer, pursuant to California Health and Safety Code sections 12000 et seq. and Chapter 56 of this code. An explosives permit shall be valid for a period not to exceed one year, as provided in the permit conditions.

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FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term that includes, but is not limited to a fire lane, public street, private street, driveway, parking lot lane and access roadway.

FIRE AUTHORITY HAVING JURISDICTION (FAHJ). The designated entity providing enforcement of fire regulations as they relate to planning, construction and development. The FAHJ may also provide fire suppression and other emergency services.

FIRE CHIEF. The fire chief is one of the following:

- (a) The person appointed by the Board of Supervisors to serve as fire chief in the unincorporated areas not within a fire protection district.
- (b) The chief officer of a fire protection district.
- (c) The Fire Warden or her or his delegated representative when enforcing section 96.1.5608.1 of this Chapter.

FIRE CODE OFFICIAL. The Fire Warden or her or his delegated representative, the fire chief or a duly authorized representative, or other person as may be designated by law, appointment or delegation and charged with the administration and enforcement of this Chapter.

FIRE DEPARTMENT. Any regularly organized fire department, fire protection district, fire company, or legally formed volunteer fire department registered with the County of San Diego regularly charged with the responsibility of providing fire protection to a jurisdiction.

FIRE HAZARD. Any condition or conduct which: (a) increases or may increase the threat of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or (b) may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

FIRE PROTECTION DISTRICT. Any fire protection district created under State law and any water district providing fire protection services.

FUEL MODIFICATION ZONE. A strip of land where combustible vegetation has been thinned or modified or both and partially or totally replaced with approved fire-resistant and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces the radiant and convective heat on a structure and provides valuable defensible space for firefighters to make an effective stand against an approaching fire front.

GREENWASTE. Organic material that includes, but is not limited to, yard trimmings, plant waste, manure, untreated wood wastes, paper products and natural fiber products.

HARDSCAPE. Concrete, gravel, pavers or other non-combustible material.

HAZARDOUS FIRE AREA. Any geographic area mapped by the State or designated by a local jurisdiction as a moderate, high or very high fire hazard area or which the FAHJ has determined is a hazardous fire area, because the type and condition of

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vegetation, topography, weather and structure density increase the probability that the area will be susceptible to a wildfire.

HOGGED MATERIALS. Mill waste consisting mainly of hogged bark but may include a mixture of bark, chips, dust or other by-product from trees and vegetation.

INSPECTOR. For the purposes of sections 96.1. 5601.2, an inspector is a person on the Issuing Officer’s approved list of inspectors authorized to conduct inspections, before and after a blast. To be on the Issuing Officer’s approved list, an inspector shall have a blasting license issued by Cal/OSHA.

MAJOR BLASTING. A blasting operation that does not meet the criteria for minor blasting.

MID-RISE BUILDING. A building four stories or more high, but not exceeding 75 feet in height and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall be made from the underside of the roof or floor above the topmost space that may be occupied to the lowest fire apparatus access road level.

MINOR BLASTING. A blasting operation that meets all of the following criteria: quantity of rock to be blasted does not exceed 100 cubic yards per shot, bore hole diameter does not exceed 2 inches, hole depth does not exceed 12 feet, maximum charge weight does not exceed 8 pounds of explosives per delay and the initiation of each charge will be separated by at least 8 milliseconds. The maximum charge weight shall not exceed the Scaled Distance as shown below:

Distance from Blast Site (In Feet)	Scale-Distance Factor
0 - 300.....	Mandatory Seismic Monitoring
301 - 5,000.....	55
5,000+.....	65

MULCHING. The process by which mixed greenwaste is mechanically reduced in size for the purpose of making compost.

RESPONSE TIME. The elapsed time from the fire department’s receipt of the first alarm to when the first fire unit arrives at the scene.

SKY LANTERN. An unmanned device with a fuel source that incorporates an open flame in order to make the device airborne.

STATIC PILE. A composting process that is similar to the aerated static pile except that the air source may or may not be controlled.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner.

TRAVEL TIME. The estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined

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by measuring the safest, most direct, appropriate and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

WINDROW COMPOSTING PROCESS. The process in which compostable material is placed in elongated piles. The piles or windrows are aerated and/or mechanically turned on a periodic basis.

WOOD CHIPS. Chips of various species of wood produced or used in chipping and grinding operations.

SEC. 304.1.4. OUTDOOR CARNIVALS AND FAIRS.

Section 304.1.4 is added to the California Fire Code to read:

Sec. 304.1.4 Outdoor carnivals and fairs. Outdoor carnivals and fairs shall only be conducted on grounds free of combustible vegetation or trimmed to the satisfaction of the FAHJ.

SEC. 305.6. ROCKETS, MODEL AIRCRAFT AND SIMILAR DEVICES.

Section 305.6 is added to the California Fire Code to read:

Sec. 305.6 Rockets, model aircraft and similar devices. Rockets, model airplanes, gliders, balloons, sky lanterns, floating luminary or similar devices powered with an engine, propellant, open flame or other feature liable to start or cause a fire shall not be projected into or across hazardous fire areas without prior approval of the fire code official.

SEC. 307.5. ATTENDANCE OF OPEN BURNING AND RECREATIONAL FIRES.

Section 307.5 of the California Fire Code is revised to read:

Sec. 307.5 Attendance. Open burning, bonfires, recreational fires and the use of portable outdoor fireplaces shall be constantly attended by an adult until the fire is extinguished. Not fewer than one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. All "warming fires" by which open burning of wood shall have installed a "spark arrester" of ½" screen or smaller installed or used in accordance with the manufactures instructions.

SEC. 321. MID-RISE BUILDINGS.

Section 321 is added to the California Fire Code to read:

SECTION 321 MID-RISE BUILDINGS

Sec 321.1 General. A newly constructed mid-rise building or a mid-rise building which undergoes a complete renovation that requires the building to be completely vacated shall comply with this section.

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Exceptions:

1. Buildings used exclusively as an open parking garage.
2. Buildings where all floors above the fourth-floor level are used exclusively as an open parking garage.
3. Buildings such as a power plant, lookout tower, steeple, grain house, and other similar structures with intermittent human occupancy.

Sec. 321.1.1 Automatic sprinkler systems and standpipes. Mid-rise buildings shall be protected throughout by an automatic sprinkler system designed and installed in conformance with the NFPA 13 edition as referenced in Chapter 80 of CFC and in accordance with the following:

1. A control valve and a water flow alarm shall be provided for each floor. Each control valve and water flow alarm shall be electronically supervised.
2. Mid-rise buildings shall be provided with a Class I standpipe system that is interconnected with the automatic sprinkler system. The system shall consist of 2½-inch hose valves located in each stair enclosure on every floor. Two hose outlets shall be located on the roof outside of each stair enclosure which penetrates the roof. The standpipe system shall be designed, installed and tested in accordance with the NFPA 14 edition as referenced in Chapter 80 of CFC.
3. Fire department standpipe connections and valves serving each floor shall be located in the vestibule and located in a manner so as not to obstruct egress when hose lines are connected and charged.

Sec. 321.1.2 Smoke detection. Smoke detectors shall be provided in accordance with this section. Smoke detectors shall be connected to an automatic fire alarm system and shall be installed in accordance with the NFPA 72 edition as referenced in Chapter 80 of CFC. The actuation of any device required by this section shall operate the emergency voice alarm signal system and shall operate all equipment necessary to prevent the circulation of smoke through air return and exhaust ductwork. Smoke detectors shall be located as follows:

1. In every mechanical equipment, electrical, transformer, telephone equipment, unmanned computer equipment, elevator machinery or similar room and in all elevator lobbies. Elevator lobby detectors shall be connected to an alarm verification zone or be listed as a releasing device.
2. In the main return air and exhaust air plenum of each air conditioning system. The smoke detector shall be located in a serviceable area downstream of the last duct inlet.
3. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air conditioning system. In Group R-1 and R-2 occupancies an approved smoke detector is allowed to be used in each return air

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riser carrying not more than 5,000 cubic feet per minute and not serving more than 10 air inlet openings.

4. For Group R-1 and R-2 occupancies in all corridors serving as a means of egress for an occupant load of 10 or more persons.

Sec. 321.1.3 Fire alarm system. An approved and listed, automatic and manual, fully addressable and electronically-supervised fire alarm system shall be provided in conformance with this code and the California Building Code & NFPA 72 edition as referenced in Chapter 80 of CFC.

Sec. 321.1.4 Emergency voice alarm signaling system. The operation of any automatic fire detector or water flow device shall automatically sound an alert tone followed by a pre-recorded voice instruction giving appropriate information and direction on a general or selective basis to the following terminal areas:

1. Elevators
2. Elevator lobbies
3. Corridors
4. Exit stairways
5. Rooms and tenant spaces
6. Dwelling units
7. Hotel guest rooms
8. Areas designated as safe refuge within the building

Sec. 321.1.5 Fire command center. A fire command center for fire department operations shall be provided. The location and accessibility of the fire command center shall be approved by the fire code official. The room shall be separated from the remainder of the building by not less than a 2-hour fire barrier. The room shall be a minimum of 200 square feet with a minimum dimension of 10 feet. It shall contain the following facilities at a minimum:

1. Voice alarm and public address panels
2. Fire department communications panel
3. Fire alarm annunciator panel
4. Elevator annunciator panel (when building exceeds 55 feet in height)
5. Status indicators and controls for air-handling systems (stairwell pressurization)
6. Controls for unlocking stairwell doors
7. Fire pump status indicators (if required)
8. Set of complete building plans
9. Elevator control switches for switching of emergency power
10. Work table

Sec. 321.1.6 Annunciation identification. Control panels in the central control station shall be permanently identified as to their function. Water flow, automatic fire detection and manually-activated fire alarms, supervisory and trouble signals shall be monitored by an approved UL-listed central monitoring station and annunciated in the fire command center by means of an audible and visual indicator. For the purposes of annunciation, zoning shall be in accordance with the following:

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1. When the system serves more than one building, each building shall be a separate zone.
2. Each floor in a building shall be a separate zone.
3. When one or more risers serve the same floor, each riser shall be a separate zone.

Sec. 321.1.7 Elevators. Elevators and elevator lobbies shall comply with Chapter 30 of the California Building Code. At least one elevator cab shall be assigned for fire department use and shall serve all floors of the building. This cab shall be provided large enough to accommodate an ambulance-type stretcher in accordance with section 3002.4 of the California Building Code.

Sec. 321.1.8 Fire department communication system. An approved two-way fire department communication system designed and installed in accordance with the NFPA 72 edition referenced in Chapter 80 of CFC shall be provided for fire department use per section 907.2.13.2.

Sec. 321.1.9 Means of egress. In addition to the requirements of Chapter 10, egress components of mid-rise buildings shall comply with sections 321.1.8.1 through 321.1.8.5.

Sec. 321.1.9.1 Extent of enclosure. Stairway enclosures shall be continuous and shall fully enclose all portions of the stairway. Exit enclosures shall exit directly to the exterior of the building or include an exit passageway on the ground floor leading to the exterior of the building. Each exit enclosure shall extend completely through the roof and be provided with a door that leads onto the roof.

Sec. 321.1.9.2 Pressurized enclosures and stairways. All required stairways and enclosures in a mid-rise building shall be pressurized as specified in section 909. Pressurized stairways shall be designed to exhaust smoke manually when needed.

Sec. 321.1.9.3 Vestibules. Pressurized stairway enclosures serving a mid-rise building shall be provided with a pressurized entrance vestibule on each floor that complies with section 909.

Sec. 321.1.9.4 Pressure differences. The minimum pressure difference between a vestibule and adjacent areas shall comply with section 909.

Sec. 321.1.9.5 Locking of stairway doors. All stairway doors that are locked to prohibit access from the interior of the stairway shall have the capability of being unlocked simultaneously, without unlatching, upon a signal from the fire command center. Upon failure of normal electrical service or activation of any fire alarm, the locking mechanism shall automatically retract to the unlocked position.

A telephone or other two-way communication system connected to an approved emergency service which operates continuously shall be provided at not less than every third floor in each required exit stairway vestibule.

Approved signage stating doors are locked shall be provided in each stairwell vestibule on each floor in which entry may be made and on each floor in which a telephone is located. Hardware for locking stairway vestibule doors shall be State Fire Marshal listed and approved by the fire code official by permit before installation. Stairway doors located between the vestibules and the stairway shaft shall not be locked.

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SEC. 322. STORAGE OF FIREWOOD.

Section 322 is added to the California Fire Code to read:

SECTION 322 STORAGE OF FIREWOOD

Sec. 322.1 General. Firewood shall not be stored in unenclosed space beneath a building or structure, on a deck or under eaves, a canopy or other projection or overhang. When required by the fire code official, firewood or other combustible material stored in the defensible space surrounding a structure shall be located at least 30 feet from any structure and separated by a minimum of 15 feet from the drip line of any trees, measured horizontally. Firewood and combustible materials not for use on the premises shall be stored so as to not pose a fire hazard. Wood storage shall be located on bare soil or a non-combustible material. Minimum clearance storage pile shall be 10' bare soil, free of vegetation or other combustible material measured on a horizontal plane. The maximum size of wood storage shall be 2 cords of woods with the pile dimensions no greater than 4 feet in height, 4 feet in width, and 16 feet in length.

Exception: Permit may be issued by the FAHJ for wood storage amounts in excess of this section.

SEC. 501.3.1 FIRE APPARATUS ACCESS MODIFICATIONS

Section 501.3.1 is added to the California Fire Code to read:

Sec. 501.3.1 Fire apparatus access modifications. Plans for the modification of fire apparatus access road shall be submitted to the fire code official for review and approval prior to construction or modification of any fire apparatus road.

SEC. 503 FIRE APPARATUS ACCESS ROADS

Section 503 of the California Fire Code is revised to read:

SECTION 503 FIRE APPARATUS ACCESS ROADS

Sec. 503.1 General. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

Fire apparatus access roads shall be provided and maintained in compliance with this section and the most recent edition and any amendments thereto, of public and private road standards as adopted by the County of San Diego (San Diego County Standards for Private Roads and Public Roads, San Diego County Department of Public Works). The fire code official may modify the requirements of this section if the modification provides equivalent access.

503.1.1 Buildings and facilities.

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Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
 - 1.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 1.3. There are not more than two Group R-3 or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

Sec. 503.1.2 Additional access. The fire code official is authorized to require Discretionary projects located in State Responsibility Areas (SRA) & Local Responsibility Areas (LRA) with Very High Fire Hazard Severity Zones (VHFHSZ) more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. When additional fire apparatus access roads are necessary as mitigation for the exceedance of the maximum allowable dead-end road length, the additional fire apparatus access road must be remote from the primary fire apparatus access road.

Sec. 503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.9.

Sec. 503.2.1 Dimensions. The dimensions of fire apparatus access roads shall be in accordance with the following:

- (a) Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet, except for single-family residential driveways serving no more than two residential parcels, which shall have a minimum of 16 feet of unobstructed improved width. Any of the following, which have separated lanes of one-way traffic: gated entrances with card readers, guard stations or center medians, are allowed, provided that each lane is not less than 14 feet wide.

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- (b) Fire apparatus access roads that are public or private roads which are provided or improved as a result of a Tentative Map, Tentative Parcel Map or a Major/Minor Use Permit shall have the dimensions as set forth by the County of San Diego Standards for Public and Private Roads.
- (c) All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.
- (d) Vertical clearances or road widths shall be increased when the fire code official determines that vertical clearances or road widths are not adequate to provide fire apparatus access.
- (e) Vertical clearances or road width may be reduced when the fire code official determines the reduction does not impair access by fire apparatus. In cases where the vertical clearance has been reduced, approved signs shall be installed and maintained indicating the amount of vertical clearance.
- (f) Driveways exceeding 150 feet in length, but less than 600 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 600 feet, turnouts shall be provided no more than 400 feet apart.

Sec. 503.2.2 Authority to increase minimums. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

Sec. 503.2.3 Surface. Fire apparatus access road shall be designed and maintained to support the imposed loads of fire apparatus (not less than 75,000 lbs. unless authorized by the FAHJ) and shall be provided with an approved paved surface so as to provide all-weather driving capabilities. The paving and sub-base shall be installed to the standards specified in the County of San Diego Parking Design Manual. A residential driveway constructed of 3½" Portland cement concrete may be installed on any slope up to 20% provided that slopes over 15% have a deep broom finish perpendicular to the direction of travel or other approved surface to enhance traction.

Sec. 503.2.4 Roadway radius. The horizontal inside radius of a fire apparatus access road shall comply with the County of San Diego Public and Private Road Standards approved by the Board of Supervisors. The horizontal inside radius for a private residential driveway shall be a minimum of 28 feet, as measured on the inside edge of the improvement width or as approved by the fire code official. The length of vertical curves of fire apparatus access roads shall not be less than 100 feet, or as approved by the fire code official.

Sec. 503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around emergency apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than 2 structures. The minimum unobstructed radius width for a cul-de-sac in a residential area shall be 36 feet paved, 40 feet graded, or as approved by the fire code official. The fire code official shall establish a policy identifying acceptable turnarounds for various project types. See annex section of this code for illustrations.

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Sec. 503.2.5.1 Dead-end roads. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served: (Title 14 SRA 1273.09 Ref.)

<u>ZONING FOR PARCEL SERVED BY DEAD-END ROAD(S)</u>	<u>CUMULATIVE LENGTH OF DEAD-END ROAD(S)</u>
Parcels zoned for less than 1 acre	800 feet
Parcels zoned for 1 acre to 4.99 acres	1,320 feet
Parcels zoned for 5 acres to 19.99 acres	2,640 feet
Parcels zoned for 20 acres or larger	5,280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection where the road begins to the end of the road surface at its farthest point. Where a dead-end road crosses area of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1,320-foot intervals. Each dead-end road shall have a turnaround approved by the fire code official and constructed at its terminus.

A turnaround shall be provided to all building sites on driveways over 150 feet in length and shall be within fifty (50) feet of the building.

Sec. 503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits and clearance limitations shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

Sec. 503.2.6.1 Bridges with one traffic lane. When approved by the fire code official, private bridges providing access to not more than two residential dwellings may have one 12-foot-wide travel lane and it shall provide for unobstructed visibility from one end to the other, and turnouts shall be provided at both ends.

Sec. 503.2.7 Grade. The gradient for a fire apparatus access roadway shall not exceed 15.0%. The fire code official may allow roadway grades up to 20.0% provided that the roadway surface conforms to section 503.2.3. The fire code official may require additional mitigation measures.

Sec 503.2.7.1 Cross-Slope. The standard cross-slope shall be 2 percent; minimum cross-slope shall be 1 percent; maximum cross-slope shall be 5 percent.

Sec. 503.2.8 Angles of Approach and Departure. The angles of approach and departure for fire apparatus access roads shall not exceed 7 degrees (12 percent) for the first 30' or as approved by the fire code official and shall not allow for transitions between grades that exceed 6% elevation change along any 10-foot section.

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Sec. 503.2.9 Roadway Turnouts. When required by the fire code official, turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. (Title 14 SRA 1273.06)

Exception: The minimum width of the turnout may be reduced to 10 feet wide when the fire code official determines the reduction does not impair access by fire apparatus.

Sec. 503.3 Marking. When required by the fire code official, approved signs or other approved notices or markings that include the words "NO PARKING FIRE LANE" shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. All new public roads, all private roads within major subdivisions and all private road easements serving four or more parcels shall be named. Road name signs shall comply with County of San Diego Department of Public Works Design Standard #DS-13.

Sec. 503.3.1 Fire lane Designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1.

Sec. 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum road widths and clearances established in sections 503.2.1 and 503.2.2 shall be maintained at all times.

Sec. 503.4.1 Traffic calming devices. Traffic calming devices (including, but not limited to, speed bumps, speed humps, speed control dips, etc.) shall be prohibited unless approved by the fire code official.

Sec. 503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Sec. 503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured as approved by the fire code official. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

Sec. 503.5.2 School fences and gates. School grounds may be fenced, and gates therein may be equipped with locks, provided that safe dispersal areas based on three square feet per occupant are located between the school and the fence. Such required safe dispersal areas shall not be located less than 50 feet from school buildings.

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Every public and private school shall conform to Education Code section 32020, which states:

“The governing board of every public school district and the governing authority of every private school, which maintains any building used for the instruction or housing of school pupils on land entirely enclosed (except for building walls) by fences or walls, shall, through the cooperation of local law enforcement and fire protection agencies having jurisdiction of the area, provide for the erection of gates in these fences or walls. The gates shall be of sufficient size to permit the entrance of ambulances, police equipment and fire-fighting apparatus used by law enforcement and fire protection agencies. There shall be no less than one access gate and there shall be as many of these gates as needed to ensure access to all major buildings and ground areas. If these gates are equipped with locks, the locking devices shall be designed to permit ready entrance by the use of chain or bolt-cutting devices.”

Sec. 503.6 Security gates. No person shall install a security gate or security device across a fire access roadway without the fire code official's approval.

1. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate.
2. A gate accessing more than four residences or residential lots or a gate accessing hazardous institutional, educational or assembly occupancy group structure, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus.
3. An automatic gate shall be provided with a battery back-up or manual mechanical disconnect in case of power failure.
4. An automatic gate shall meet fire department policies deemed necessary by the fire code official for rapid, reliable access.
5. When required by the fire code official, an automatic gate in existence at the time of adoption of this chapter is required to install an approved emergency key-operated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply.
6. Where this section requires an approved key-operated switch, it may be dual-keyed or equipped with dual switches provided to facilitate access by law enforcement personnel.
7. All gates providing access from a road to a driveway shall be located a minimum of 30 feet from the nearest edge of the roadway and shall be at least two feet wider than the width of the traffic lane(s) serving the gate.

Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

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SEC. 505 PREMISES IDENTIFICATION

Section 505 of the California Fire Code is revised to read:

SECTION 505 PREMISES IDENTIFICATION

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm) for residential buildings, 8" high with a 1" stroke for commercial and multi-family residential buildings and 12" high with a 1" stroke for industrial buildings. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Address identification shall be maintained.

Sec. 505.2 Street or road signs. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather-resistant and be maintained until replaced by permanent signs.

Sec 505.2.1 Traffic Access Limitations. Signs identifying traffic access limitations shall be placed at the intersection preceding the traffic access limitation, and no more than 100 feet before such traffic access limitation.

Sec. 505.3 Easement address signs. A road easement which is not named differently from the roadway from which it originates shall have an address sign installed and maintained listing all street numbers occurring on that easement. The sign shall be located where the easement intersects the named roadway. The numbers on the sign shall contrast with the background and have a minimum height of 4" and a minimum stroke of 1/2".

Sec. 505.4 Directory map. A lighted directory map, meeting current fire department standards, shall be installed at the driveway entrance to a residential project or a mobile home park, with more than 15 units.

Sec. 505.5 Response map updates. Any new development which necessitates updating emergency response maps due to new structures, hydrants, roadways or similar features shall be required to provide map updates in a format compatible with current department mapping services and shall be charged a reasonable fee for updating all response maps.

SEC. 506.1.3. EMERGENCY KEY ACCESS.

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Section 506.1.3 is added to the California Fire Code portion to read:

Sec. 506.1.3 Emergency key access. All central station-monitored fire detection systems and automatic sprinkler systems shall have an approved emergency key access box on site in an approved location. The owner or occupant shall provide and maintain current keys for any structure for fire department placement in the box and shall notify the fire department in writing when the building is re-keyed.

SEC. 507.2. TYPE OF WATER SUPPLY.

Section 507.2 of the California Fire Code is revised to read:

Sec. 507.2 Type of water supply. A water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems, as approved by the fire code official, capable of providing the required fire flow. In setting the requirements for fire flow, the fire code official shall follow section 507.3 or Appendix B of the County Fire Code, or the standard published by the Insurance Service Office, "Guide for Determination of Required Fire Flow".

Sec. 507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 as referenced in Chapter 80 of CFC.

Sec. 507.2.2 Water tanks. Water tanks for private residential fire protection, when authorized by the fire code official, shall comply with Table 507.2.2 and installed in accordance with the NFPA 22 edition referenced in Chapter 80 of CFC. Water tanks for commercial fire protection, when authorized by the fire code official, shall be installed in accordance with the NFPA 22 edition referenced in Chapter 80 of CFC.

TABLE 507.2.2 RESIDENTIAL WATER TANK REQUIREMENTS			
Building Square Feet	Gallons Per Minute Water Flow	Capacity Gallons	Duration Minutes
Up to 1,500	250	5,000	20
Over 1,500	250	10,000	40
When the exposure distance is one hundred feet (100') or less from an adjacent property, or where additional hazards or higher fire flow exists, the required water storage may be modified by the fire code official.			

1. Tank bottom elevation shall be equal to or higher than the fire department connection on the premises. Regardless of domestic use, all tanks shall be equipped with a device that will ensure that the tank contains the designated amount of water for fire flow duration as determined by the FAHJ. Tank size may be increased to serve multiple structures on a single parcel. The bottom of the water storage tank shall be level with or above the building pad.

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2. Supply outlet shall be at least 4 inch in diameter from the base of the tank to the point of outlet at the fire department connection. The fire department connection shall have an approved means of controlling water flow. The fire department connection shall be at least one 4-inch National Standard Thread (male), reduced to one 2½ inch National Standard Thread (male). Additional outlets may be required.
3. Location of fire department outlet shall be shown on the plot plan when submitted to the FAHJ. Consideration will be given to topography, elevations, and distance from structures, driveway access, prevailing winds, etc.
4. The outlet shall be located along a fire apparatus access roadway and shall not be closer than 50 feet or further than 150 feet from the structure unless approved by the FAHJ.
5. All exposed tank supply pipes shall be listed for above ground use as per the NFPA 13 edition referenced in Chapter 80 of CFC. Adequate support shall be provided.
6. Water storage tanks shall be constructed from materials approved by the NFPA 22 edition referenced in Chapter 80 of CFC and installed per manufacturer instructions.
7. Plans shall be submitted to the FAHJ for approval prior to tank installation. Tanks shall be installed as per County Zoning setback requirements.
8. Vessels previously used for products other than water shall not be allowed.
9. All underground piping serving the fire department connection shall be listed and approved as per the NFPA 24 edition referenced in Chapter 80 of CFC.

SEC. 507.3. FIRE FLOW.

Section 507.3 of the California Fire Code is revised to read:

Sec. 507.3 Fire flow. Fire flow requirements shall be based on Appendix B of the California Fire Code or the standard published by the Insurance Services Office, "Guide for Determination of Required Fire Flow." Consideration should be given to increasing the gallons per minute to protect structures of extremely large square footage and for such reasons as: poor access roads, grade and canyon rims, hazardous brush and response times greater than five minutes by a recognized fire department or fire suppression company. In hazardous fire areas the main capacity for new subdivisions shall not be less than 2,500 gallons per minute, unless otherwise approved by the fire code official. If fire flow increases are not feasible, the fire code official may require alternative design standards such as: alternative types of construction that provides a higher level of fire resistance, fuel break requirements, which may include required irrigation, modified access road requirements, specified setback distances for building sites addressing canyon rim developments and hazardous brush areas, and other requirements as authorized by this chapter and as required by the fire code official.

SEC. 507.5.7. FIRE HYDRANT AND FIRE VALVE LOCATION.

Section 507.5.7 is added to the California Fire Code to read: (Title 14 1275.15)

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Sec. 507.5.7 Fire hydrant and fire valve location. The fire hydrant or fire valve shall be between 14 to 24 inches above grade, no closer than 4 feet nor further than 12 feet from the roadway, and 8 feet from combustible vegetation.

Sec. 507.5.7.1 Signing of water sources and fire department connections. The fire code official shall require fire hydrants and fire department connections to be identified. Fire hydrants shall be identified by a reflectorized blue marker and fire department connections shall be identified by a reflectorized green marker, with a minimum dimension of 3 inches, in the center of the travel lane adjacent the water source, or by other methods approved by the fire code official.

All materials shall be listed and approved by the water purveyor and/or fire code official. The fire code official may require a fire hydrant to have any combination of 4" and 2 ½ inch outlets with National Standard Threads.

SEC 507.5.8 WATERLINE EXTENSIONS.

Section 507.5.8 is added to the California Fire Code to read:

Sec. 507.5.8 Waterline Extensions. The fire code official may require a waterline extension for the purpose of installing a fire hydrant is a water main is 1,500 feet or less from the property line.

SEC. 603.6.6. SPARK ARRESTERS.

Section 603.6.6 is added to the California Fire Code to read:

Sec. 603.6.6 Spark arresters. All structures having a chimney, flue or stovepipe attached to a fireplace, stove, barbecue or other solid or liquid fuel burning equipment or device shall have the chimney, flue or stovepipe equipped with an approved spark arrester. An approved spark arrester is a device intended to prevent sparks from escaping into the atmosphere, constructed of welded or woven wire mesh, 12-gauge thickness or larger, with openings no greater than ½ inch, or other alternative material the FAHJ determines provides equal or better protection.

SEC. 603.8.1. RESIDENTIAL INCINERATORS.

Section 603.8.1 of the California Fire Code is revised to read:

Sec. 603.8.1 Residential Incinerators. Residential incinerators are prohibited in the unincorporated area of the County.

SEC. 903.2 AUTOMATIC SPRINKLER SYSTEMS-WHERE REQUIRED.

Section 903.2 of the California Fire Code is revised to read:

903.2 Where required. Approved automatic sprinkler systems shall be installed in all new buildings. For the purpose of automatic sprinkler systems, buildings separated by less than 10 feet from adjacent buildings shall be considered one building. Fire barriers and partitions, regardless of rating, shall not be considered as creating separate buildings for purposes of determining automatic fire sprinkler requirements. Mezzanines

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shall be included in the total square footage calculation. All new structures constructed shall have an approved NFPA 13, NFPA 13R or NFPA 13D automatic sprinkler system installed as per 903.3.1.1, 903.3.1.2 or 903.3.1.3. The Fire Code Official has the final decision of which NFPA 13 standard to apply, NFPA 13R or NFPA 13D as required due to access, water supply and travel time.

Exceptions:

1. Group U occupancies not greater than 500 square feet, and when the building is more than 10 feet from an adjacent structure or property line measured from the farthest projection from the building.
2. Agricultural buildings constructed of wood or metal frames over which fabric or similar material is stretched, which are specifically used as green houses are exempt from the automatic sprinkler requirements unless physically connected to other structures.

903.2(a) Additions. An automatic sprinkler system may be required to be installed throughout the building when the addition is more than 50% of the existing building or when the altered building will exceed a fire flow as calculated pursuant to section 507.3. The fire code official may require an automatic sprinkler system to be installed in buildings where no water main exists to provide the required fire flow or where a special hazard exists, such as poor access roads, steep grades and canyon rims, hazardous brush and response times greater than 5 minutes by a fire department. The fire code official may require that other protective measures be taken based on existing conditions and/or potential hazards. The preceding addition or remodel exception is limited to one permit per three-year period from the date of the last permit approval.

903.2 (b) Remodels or reconstructions. The fire code official may require an automatic sprinkler system to be installed throughout structures if a remodel or reconstruction includes significant modification to the interior or roof of the building. The fire code official may require that other protective measures be taken based on existing conditions and/or potential hazards. The preceding addition or remodel exception is limited to one permit per three-year period from the date of the last permit approval.

903.2 (c) Group U: Occupancies. For Group U Occupancies greater than 500 square feet an approved automatic sprinkler system shall be installed as per NFPA 13D edition referenced in Chapter 80 CFC.

SEC. 903.4. SPRINKLER SYSTEM MONITORING AND ALARMS.

Section 903.4 of the California Fire Code is revised to read:

Sec. 903.4 Automatic Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electronically supervised by a listed fire alarm control unit.

Exceptions:

1. Automatic sprinkler systems with less than 100 fire sprinklers protecting one-family and two-family dwellings and group U occupancies.

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2. Limited area sprinkler systems in accordance with Section 903.3.8.
3. Automatic sprinkler systems installed in accordance with NFPA 13R edition referenced in Chapter 80 CFC where a common supply main is used to supply both domestic water and the automatic sprinkler system and a separate control valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

SEC. 1204.4 GROUND-MOUNTED PHOTOVOLTAIC ARRAYS

Section 1204.4 the California Fire Code is revised to read:

Sec. 1204.4 Ground-mounted photovoltaic arrays. Ground-mounted photovoltaic array installations shall meet the requirements of sections 1204.4.1 through 1204.4.4.

Sec. 1204.4.1 Fire apparatus access roads. Fire apparatus access roads to ground-mounted photovoltaic arrays, associated equipment structures and operations/maintenance buildings shall comply with section 503.

Exception: Private residential and agricultural systems less than 10 acres in size and where the energy generated is primarily for on-site use are exempt from this requirement subject to the approval of the fire code official.

Sec. 1204.4.2 Perimeter fire apparatus access roadway. Ground-mounted photovoltaic arrays 10 acres or larger in size shall provide a fire apparatus access roadway around the perimeter of the project. The perimeter fire apparatus access roadway shall comply with section 503.

Sec. 1204.4.3 Fuel modification. Combustible vegetation within the array and to a distance of 30 feet from the array and associated equipment shall be reduced to a height of no more than 6 inches. The fuel modification zone may be increased when required by the fire code official or as recommend by a fire protection plan.

Exception: For private residential and agricultural systems less than 10 acres in size and where the energy generated is used primarily on-site, the required fuel modification zone may be reduced to 10 feet from the array and associated equipment.

Operation/maintenance buildings shall be provided with fuel modification zones that comply with section 4907.2.

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Sec. 1204.4.4 Water supply. Water supply for fire protection and suppression shall be provided for equipment structures and operations/maintenance buildings as required by section 507.

Sec. 1204.5 Identification. Ground-mounted photovoltaic arrays with multiple equipment structures shall include a means of readily identifying each equipment structure. The fire code official may require a lighted directory map of the project to be installed on-site near the entrance to the facility for projects of 10 or more acres in size.

SEC. 2808 STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIAL, FINES, COMPOST, SOLID BIOMASS FEEDSTOCK AND RAW PRODUCT ASSOCIATED WITH YARD WASTE, AGRO-INDUSTRIAL AND RECYCLING FACILITIES.

Section 2808 of the California Fire Code is revised to read:

SECTION 2808 STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIALS, FINES, COMPOST, SOLID BIOMASS FEEDSTOCK AND RAW PRODUCT ASSOCIATED WITH YARD WASTE, AGRO-INDUSTRIAL AND RECYCLING FACILITIES

Sec. 2808.1 General. The storage and processing (mulching, composting) of wood chips, hogged materials, fines, compost, solid biomass feedstock and raw product produced from yard waste, debris and agro-industrial and recycling facilities shall be in accordance with section 2808.2 through 2808.20.

Sec. 2808.2 Definitions. The following terms are defined in section 202:

**AERATED STATIC PILE.
CHIPPING AND GRINDING.
COMPOSTING OPERATION.
GREENWASTE.
HOGGED MATERIALS.
MULCHING.
STATIC PILE.
WINDROW COMPOSTING PROCESS.
WOOD CHIPS**

Sec. 2808.3 Permit required. A permit shall be obtained from the fire code official prior to engaging in the operation and storing processed of wood chips, hogged material, fines, compost and raw product in association with yard waste and similar material recycling facilities. The permit shall be renewed on an annual basis or shall be limited to such period of time as designated by the fire code official. Permits shall not be transferable and any change in use, location, occupancy, operation or ownership shall require a new permit.

Sec. 2808.4 Financial assurance for cost recovery. A security bond, irrevocable letter of credit or other approved form of financial assurance shall be required to be posted, in an amount determined by the fire code official. The financial assurance shall be a minimum of \$25,000.00 and a maximum of \$100,000.00, depending on the size of

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operation. The financial assurance shall reimburse the fire department for expenses incurred in any emergency response and/or enforcement action by the fire department to protect the public from fire or hazardous substances related to the operation. The financial assurance shall be returned to the operator in a timely fashion once the operation is closed, to the satisfaction of the fire code official.

Sec. 2808.5 Operational and emergency plans. The following operational and emergency action plans shall be submitted to and be approved by the fire code official prior to initiating an operation under section 2808:

1. **Operational Plan.** The operational plan shall include: Site layout, pile dimensions, fire access, water supply, site security, site operations, temperature monitoring, rotation and diversion plan.
2. **Emergency Plan.** The emergency plan shall include: Operator fire response actions, fire dispersal area, emergency equipment operator callback and initiation of incoming diversion plan. All plans shall define the equipment necessary to process and handle the materials.

Sec. 2808.6 Notification of fire department. The operator shall report all fires to the fire department immediately upon discovery.

Sec. 2808.7 Equipment operator emergency callback. The operator shall implement and maintain a plan for rapid equipment operator response to the site. The maximum response time to the site shall be within one hour of a fire department notification. The following equipment shall be on site and staffed with skilled operators: bulldozer, loaders and heavy-duty equipment necessary to mitigate a fire. Notification procedure shall be maintained operational 24 hours a day, seven days a week. Notification may be by pager activation, telephone answering service, or other approved means.

Sec. 2808.8 Incoming waste diversion plan. The operator shall develop a diversion plan for incoming greenwaste for implementation in the event of equipment failure or other inability to process and distribute greenwaste. The plan shall prevent stockpiling of waste on the site and unauthorized depositing of waste on or near the site. The operator shall initiate the diversion plan based on criteria in the Operational and Emergency Plan without further direction from the fire department.

Sec.2808.9 Unprocessable or non-greenwaste material. All greenwaste that cannot be processed on-site, such as stumps and fibrous plants, shall be immediately removed from the feedstock, stored in roll-off containers or bins and be removed from the facility on a weekly basis. All plastic bags shall be removed prior to shredding material.

Sec.2808.10 Fire access roadway. A fire access roadway shall be provided to the site and on the site. Each roadway shall be at least 20 feet wide, but the fire official may require a greater width, depending on site conditions. The operator shall also be required to obtain the fire code official's approval for the type of driving surface for the onsite access roadway.

Sec. 2808.11 Storage sites. Storage sites shall be level and on solid ground or other approved all-weather surface.

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Sec. 2808.12 Combustible vegetation control. The operator shall clear any combustible material, weeds, brush, trees or other vegetation (including mulch) that is or may become, dry and capable of transmitting fire, from within 50 feet of raw greenwaste and mulch piles. Clearance shall be to bare earth or approved pavement. Individual growing trees within that distance may remain, subject to the fire code official's approval.

Sec. 2808.13 Pile separation. Piles shall be separated from adjacent piles and property lines by fire department access roadways.

Sec. 2808.14 Size of piles. Pile height, width and length shall be limited to criteria approved by the fire code official, based in part on the site material handling equipment. In no case shall a pile exceed 12 feet in height, 100 feet in width and 200 feet in length.

Sec. 2808.15 Static pile protection. Interior pile temperatures shall be monitored and recorded on a regular basis per the Operational Plan. Internal pile temperatures shall be taken at $\frac{2}{3}$ the pile height, 12 to 24 inches from the surface with a probe-type thermometer. Readings shall be made at not greater than 50-foot intervals along the length of the pile. Temperatures above 158° F are known to adversely affect microbial decomposition and are considered excessive. Infrared thermometers may be used to monitor for hot spots at the surface but are not a substitute for internal probe measurement and documentation. Once windrows exceed 170° F, the windrows shall be reduced in size, be rotated and be monitored daily until temperatures drop below 158° F. All greenwaste stockpiles shall be re-mixed as necessary to alleviate any fire due to spontaneous combustion or temperatures above 170° F. Windrows shall be visually inspected on a regular basis. Once fires have been detected in any windrows at a site, this visual inspection shall be a minimum daily requirement. Daily inspections shall continue until the threat of fire no longer exists and the fire code official agrees inspections may be discontinued. All temperature and pile-handling records shall be kept on file at the site and be made available for inspection by fire department personnel. Data shall include date, time, temperature, specific location and person conducting measurement.

Sec. 2808.16 Firefighting water supplies and storage. Firefighting water supplies shall conform to sections 2808.16.1 or 2808.16.2.

Sec. 2808.16.1 Public water supply. The operator shall provide and maintain approved fire hydrants and waterline mains as required by the fire code official. Water lines may be approved aboveground lines supplied from a reliable water supply with adequate protection against impact and fire flow reaction. Hydrant spacing shall be at 400-foot intervals along primary fire access roadways. Fire flow at each hydrant shall be least 1000 gallons per minute at 20 psi. Duration of the required fireflow shall be as determined by the fire code official.

Sec. 2808.16.2 Private water supply. Above-ground water storage tanks may be installed when authorized by the fire code official where public water supply is not adequate to meet fire flow requirements. Volume and duration of the required fireflow shall be as determined by the fire code official.

Sec. 2808.17 Material-handling equipment. Equipment used on all piles should be of a type that minimizes compaction. All vehicles operating on or around the piles shall have a Class A fire extinguisher of a minimum 2-A rating, in addition to the Class B

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rating appropriate for the vehicles. Approved material-handling equipment shall be available during firefighting operations for moving wood chips, hogged material, compost and raw product produced from yard waste and wood fines.

Sec. 2808.18 General safety rules for site equipment maintenance. Welding or cutting torch operations shall be conducted a minimum of 30 feet from combustible materials. A fire watch shall be provided to detect fire, and to operate fire-extinguishing equipment throughout the welding or cutting operation and 30 minutes thereafter. Refueling and on-site maintenance shall meet California Fire Code requirements in Chapters 23 & 57 and all other applicable fire code requirements.

Sec. 2808.19 Site security. Pile storage areas shall be surrounded with approved fencing. Fences shall be a minimum of 6 feet in height.

Sec. 2808.20 Smoking and open burning prohibited. The operator shall prohibit smoking and open flame on the operational site, including smoking within vehicles. Approved signs shall be clearly and prominently posted and shall be enforced by the site operators. No open burning shall be allowed on site.

SEC. 3206.2. GENERAL FIRE PROTECTION AND LIFE SAFETY FEATURES.

Section 3206.2 Exception "h" of Table 3206.2 of the California Fire Code is deleted.

SEC. 3318. FUEL MODIFICATION ZONE REQUIREMENTS

Section 3318 is added to the California Fire Code to read:

3318 FUEL MODIFICATION ZONE REQUIREMENTS

Sec. 3318.1 Fuel modification zone during construction. Any person doing construction of any kind which requires a permit under this code, or the County Building Code shall install a fuel modification zone prior to allowing any combustible material to arrive on the site and shall maintain the zone during the duration of the project.

SEC. 4902. DEFINITIONS.

Section 4902 of the California Fire Code is revised to read:

SECTION 4902 DEFINITIONS

Sec. 4902.1 General. For the purposes of this chapter, certain terms are defined as follows:

BUILDING OFFICIAL means the Director of the Planning and Development Services or any person appointed or hired by the Director to administer or enforce the County's planning and construction standards. The building official duties shall include plan checking, inspections and code enforcement.

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CDF DIRECTOR means the Director of the California Department of Forestry and Fire Protection.

COMBUSTIBLE VEGETATION means material that in its natural state will readily ignite, burn and transmit fire from native or landscape plants to any structure or other vegetation. Combustible vegetation includes dry grass, brush, weeds, litter or other flammable vegetation that creates a fire hazard.

DEFENSIBLE SPACE is an area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur. Distance measurements for defensible space shall be measured on a horizontal plane.

FIRE HAZARD SEVERITY ZONES are geographical areas designated pursuant to California Public Resources Code sections 4201 through 4204 and classified as Very High, High, and Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code sections 51175 through 51189.

The California Code of Regulations, Title 14, Section 1280 entitles maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

FIRE PROTECTION PLAN (FPP) is a document prepared for a specific project or development proposed in the wildland-urban interface fire area that describes ways to minimize and mitigate potential loss from wildfire exposure, with the purpose of reducing impact on the community's fire protection delivery system.

FUEL BREAK is an area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for firefighting.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE means an area designated by a local agency upon the recommendation of the CDF Director pursuant to Government Code sections 51177(c), 51178 and 51189 that is not a State Responsibility Area and where a local agency, city, county, city and county, or district is responsible for fire protection.

OPEN SPACE EASEMENT means any right or interest in perpetuity or for a term for years in open-space land, as that term is defined in Government Code section 51051, acquired by the County, a city or a nonprofit organization where the instrument granting the right or interest imposes restriction on use of the land, to preserve the land for public use or enjoyment of the natural or scenic character of the land.

OPEN SPACE PRESERVE means open-space land, as that term is defined in Government Code section 65560(b), for the preservation of natural resources, managed production of resources, outdoor recreation, public health and safety, buffer for a military installation or the protection of cultural resources.

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SLOPE is the variation of terrain from the horizontal; the number of feet, rise or fall per 100 feet, measured horizontally, expressed as a percentage.

STATE RESPONSIBILITY AREA means lands that are classified by the Board of Forestry pursuant to Public Resources Code section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State.

TREE CROWN means the primary and secondary branches growing out from the main stem, together with twigs and foliage.

WILDFIRE is any uncontrolled fire spreading through vegetative fuels that threaten to destroy life, property, or resources as defined in Public Resources Code sections 4103 and 4104.

WILDFIRE EXPOSURE is one or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE FIRE AREA is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code sections 4201 through 4204 and Government Code sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

Sec. 4902.2 Declaration: The legislative body shall declare the Wildland Interface Areas within the jurisdiction. The Wildland Urban Interface Areas shall be based on the findings of fact. The Wildland Urban Interface Area boundary shall be any geographic area mapped or otherwise identified by the State or local jurisdiction as a High Hazard, or Very High Fire Severity Zone, or as set forth by the (insert fire district name). When the type and condition of vegetation, topography, weather, and structure density, which potentially increases the probability of vegetation conflagration, exists, such area shall be considered a Very High Fire Severity Zone.

SEC. 4903. FIRE PROTECTION PLAN.

Section 4903 of the California Fire Code is revised to read:

SECTION 4903 FIRE PROTECTION PLAN

Sec. 4903.1 When required. Planning and Development Services or the FAHJ may require an applicant for a parcel map, subdivision map, specific plan or major use permit for any property located in a wildland-urban interface fire area to submit a Fire Protection Plan (FPP) as part of the approval process.

Sec. 4903.2 Content. The FPP shall consider location, topography, geology, aspect, combustible vegetation (fuel types), climatic conditions and fire history. The plan shall address the following in terms of compliance with applicable codes and regulations including but not limited to: water supply, vehicular and emergency apparatus access, travel time to nearest serving fire station, structural ignitability, structure set back,

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ignition-resistive building features, fire protection systems and equipment, impacts to existing emergency services, defensible space and vegetation management.

The FPP shall be prepared as prescribed in the County of San Diego Land Use and Environment Group "Guidelines for Determining Significance and Report Format and Content Requirements for Wildland Fire and Fire Protection" document.

SEC. 4905. WILDFIRE PROTECTION BUILDING CONSTRUCTION.

Section 4905 of the California Fire Code is revised to read:

SECTION 4905 WILDFIRE PROTECTION BUILDING CONSTRUCTION

Sec. 4905.1 Construction methods for exterior wildfire exposure. The construction methods for exterior wildfire exposure in a wildland-urban interface fire area shall be as provided in Chapter 7A of the County Building Code.

SEC. 4907. DEFENSIBLE SPACE.

Section 4907 of the California Fire Code is revised to read:

SECTION 4907 DEFENSIBLE SPACE

Sec. 4907.1 Structure setbacks from property lines. The building official shall establish the minimum setbacks for locating a structure on a lot in a wildland-urban interface fire area. The setbacks may be greater than the minimum setbacks provided in the County Zoning Ordinance, when necessary to protect a structure from an unreasonable hazard from a wildfire.

Sec. 4907.1.1 General fire setbacks. Buildings and structures shall be setback a minimum of 30 feet from property lines and biological open space easements unless existing permitted structures are located within 30 feet of the property line or the County Zoning Ordinance requires a greater minimum. When the property line abuts a roadway, the setback shall be measured from the centerline of the roadway.

Exception: When both the building official and the FAHJ determine that the hazard from a wildland fire is not significant or when the terrain, parcel size or other constraints on the parcel make the required setback infeasible, the building official may allow the setback to be less than 30 feet when allowed by the Zoning Ordinance.

Sec. 4907.1.2 Fire setbacks adjacent protected areas. Buildings and structures shall be setback a minimum of 100 feet from any property line adjacent a national forest, state park or open space preserve. This setback may be reduced when existing permitted structures are located within 100 feet of the property line or additional mitigation measures are employed that are satisfactory to both the FAHJ and the building official.

Sec. 4907.2 Fuel modification. A fuel modification zone shall be required around every building that is designed primarily for human habitation or use or a building designed

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specifically to house farm animals. Decks, sheds, gazebos, freestanding open-sided shade covers and similar accessory structures less than 250 square feet and 30 feet or more from a dwelling, and fences more than 5 feet from a dwelling, are not considered structures for the establishment of a fuel modification zone. A fuel modification zone shall comply with the following:

(a) When a building or structure in a hazardous fire area is located 100 feet or more from the property line, the person owning or occupying the building or structure shall maintain a fuel modification zone within 100 feet of the building or structure. The area within 50 feet of a building or structure shall be cleared of vegetation that is not fire resistant and re-planted with fire-resistant plants. In the area between 50 to 100 feet from a building, all dead and dying vegetation shall be removed. Native vegetation may remain in this area provided that the vegetation is modified so that combustible vegetation does not occupy more than 50% of the square footage of this area. Weeds and annual grasses shall be maintained at a height not to exceed 6 inches. The chips from chipping of vegetation that is done on-site may remain if the chips are dispersed so they do not exceed 6 inches in depth. Trees may remain in both areas provided that the horizontal distance between crowns of adjacent trees and crowns of trees and structures is not less than 10 feet. See Figure 4907.2.

(b) The fire code official may increase the fuel modification zone more than the 100-foot minimum if fuel and/or topography are determined to increase the fire hazard severity.

(c) When a building or structure in a hazardous fire area is setback less than 100 feet from the property line, the person owning or occupying the building or structure shall meet the requirements in subsection (a) above, to the extent possible, in the area between the building or structure and the property line.

(d) The building official and the FAHJ may provide lists of prohibited and recommended plants.

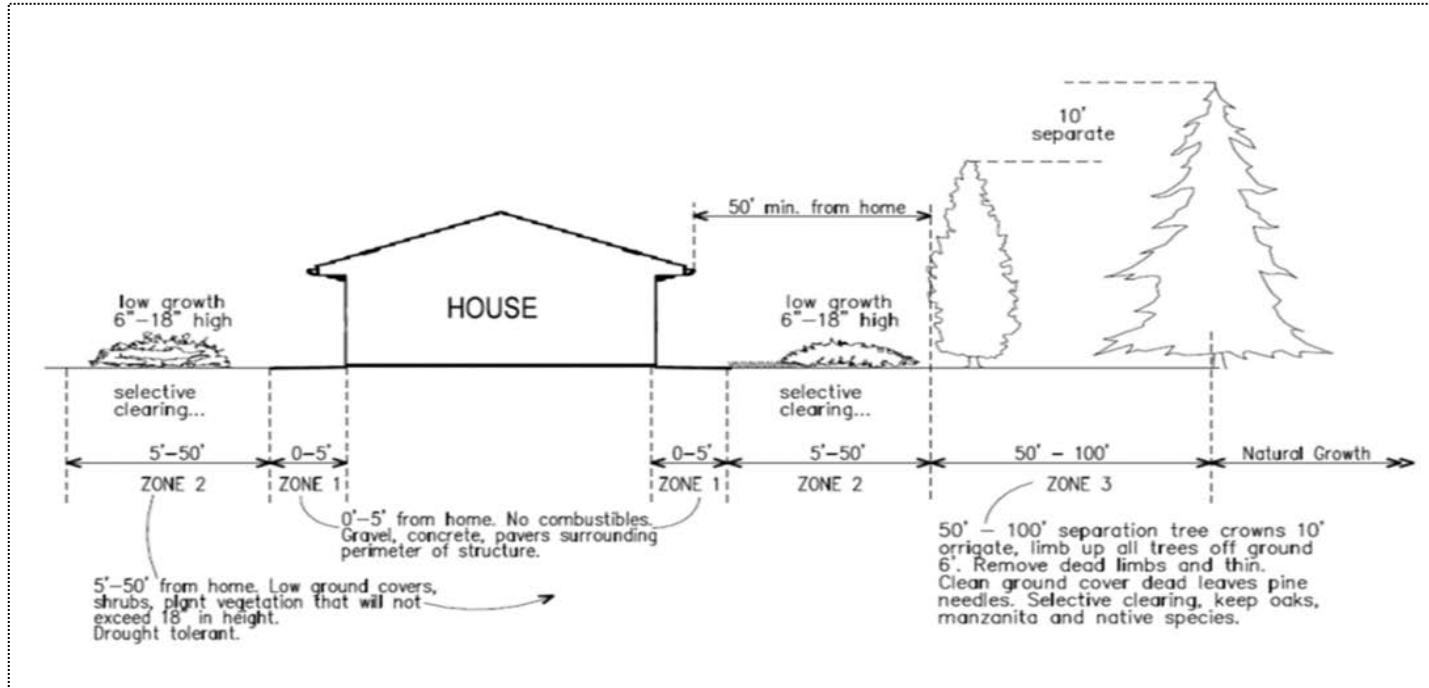
(e) The fuel modification zone shall be located entirely on the subject property unless approved by the FAHJ. This required fuel modification zone may be reduced as allowed in subsection (b) above or increased as required by a fire protection plan.

(f) When the subject property contains an area designated to protect biological or other sensitive habitat or resource, no building or other structure requiring a fuel modification zone shall be located so as to extend the fuel modification zone into a protected area.

(g) Improved Property: Property owners shall be permitted to clear all flammable vegetation within a one hundred (100) foot radius of all structures using methods, such as mowing and trimming that leave plant root structure intact to stabilize soil. Clearing is not limited to these methods and discing, which exposes bare mineral soil, may be used if deemed necessary by the FAHJ.

- a. Where the distance from the structure to the property line of the parcel on which the structure is located is less than the distance required to be cleared, (100'), the adjacent parcel owner may be required to establish the required fuel break to achieve the required distance of defensible space if such requirement is approved by the Fire Code Official.

FIGURE 4907.2 MEASUREMENTS OF FUEL MODIFICATION DISTANCE



Sec. 4907.2.1 Fuel modification of combustible vegetation from sides of roadways.

The FAHJ may require a property owner to modify combustible vegetation in the area within 20 feet from each side of the driveway or a public or private road adjacent to the property to establish a fuel modification zone. The FAHJ has the right to enter private property to ensure the fuel modification zone requirements are met.

Exception: The FAHJ may reduce the width of the fuel modification zone if it will not impair access.

Sec. 4907.2.2 Community fuel modification. The FAHJ may require a developer, as a condition of issuing a certificate of occupancy, to establish one or more fuel modification zones to protect a new community by reducing the fuel loads adjacent to a community and structures within it. The developer shall assign the land on which any fuel modification zone is established under this section to the association or other common owner group that succeeds the developer as the person responsible for common areas within the community.

Sec. 4907.2.2.1 Land ownership. Once a fuel modification zone has been established under section 4907.2.2 the land on which the zone is located shall be under the control of an association or other common ownership established in perpetuity, for the benefit of the community to be protected.

Sec. 4907.3 Maintenance of defensible space. Any person owning, leasing, controlling, operating or maintaining a building or structure required to establish a fuel modification zone pursuant to section 4907.2 shall maintain the defensible space. The

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FAHJ may enter the property to determine if the person responsible is complying with this section. The FAHJ may issue an order to the person responsible for maintaining the defensible space directing the person to modify or remove non-fire resistant vegetation from defensible space areas, remove leaves, needles and other dead vegetative material from the roof of a building or structure, maintain trees as required by section 4907.3.1 or to take other action the FAHJ determines is necessary to comply with the intent of sections 4903 et seq.

Sec. 4907.3.1 Trees. Crowns of mature trees located within defensible space shall maintain a minimum horizontal clearance of 10 feet for fire resistant trees and 30 feet for non-fire resistive trees. Mature trees shall be pruned to remove limbs to maintain a vertical separation of three times the height of the lower vegetation or 6 feet, whichever is greater, above the ground surface adjacent to the trees. Dead wood and litter shall be regularly removed from trees. Ornamental trees shall be limited to groupings of 2-3 trees with canopies for each grouping separated horizontally as described in Table 4907.3.1.

**TABLE 4907.3.1
DISTANCE BETWEEN TREE CANOPIES**

Distance between Tree Canopies by Percent Slope	
Percent of Slope	Required Distances Between Edge of Mature Tree Canopies (1)
0 to 20	10 feet
21 to 40	20 feet
41 plus	30 feet

1. Determined from canopy dimensions as described in **Sunset Western Garden Book (Current Edition)**

Sec. 4907.4 Home Ignition Zones:

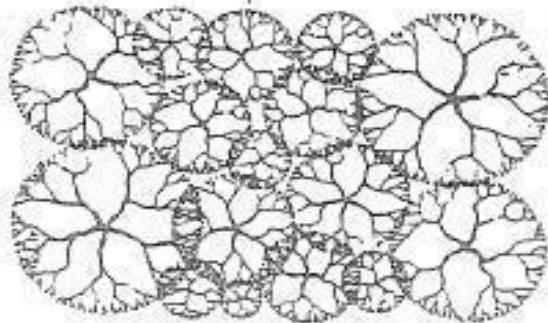
4907.4.1 Zone 1 Immediate Zone 0-5' Meaning from exterior wall surface of the building extending 5 feet on a horizontal plane. This zone shall be constructed of continuous hardscape or limited fire-resistant plantings acceptable to the FAHJ. Vegetation in this zone shall not exceed 6" to 18" in height and irrigation is required. Removal of combustible materials surrounding the exterior wall area and maintaining area free and clear of combustible materials. The use of mulch and other combustible materials shall be prohibited.

4907.4.2 Zone 2 Intermediate Zone from Zone 1 to 50' means from the immediate edge of zone 1 extending out in a horizontal plane. This zone shall consist of planting of low growth drought tolerant and fire resistive species of plants and fire resistive materials. The height of the plans in this zone starts at 6" adjacent to Zone 1 and extending in a linear fashion up to a maximum of 18" at intersection with Zone 3. Firewood inside this zone shall be piled minimum of 30' away from all structures. Cords of firewood shall also be maintained at least 10' from property lines and not stacked under tree canopies.

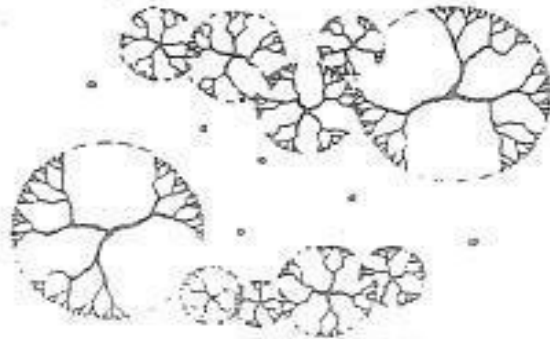
4907.4.3 Zone 3 Extended Zone 50'-100' means from the immediate edge of Zone 2 extending out in a horizontal plane for 50'. This zone consists of planting of moderate

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height species plants and drought tolerant and fire resistive species. Brush and plants shall be limbed up off the ground, so the lowest branches are 1/3 height of bush/tree/plant or up to 6' off the ground on mature trees. This area would be considered selective clearing of natural vegetation and dense chaparral.



Before Thinning



After Thinning

SEC. 5601.2. EXPLOSIVES AND FIREWORKS-APPLICABILITY.

Section 5601.2 is added to the California Fire Code to read:

Sec. 5601.2 Applicability. This section shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents and to any blasting operation in the unincorporated area of the County. The Sheriff is the Issuing Officer for purposes of this section. The Sheriff may delegate the duties of Issuing Officer at her or his discretion. Additionally, as may be appropriate based on circumstances, the Issuing Officer may enter into memoranda of agreement with non-County fire agencies whereby such non-County agency will assume the duties of issuing a permit or permits required by this Chapter. The Issuing Officer shall determine whether a blast is a major blast or a minor blast under this section. A minor blast is subject to all conditions of this section except the inspection requirements.

Sec. 5601.2.1 Definitions. The following terms are defined in section 202:

BLASTER.

BLASTING AGENT.

BLASTING OPERATION.

BLASTING PERMIT.

BLAST SITE.

EXPLOSIVES PERMIT.

INSPECTOR.

MAJOR BLASTING.

MINOR BLASTING.

Sec. 5601.2.2. Application. Application for a permit required by this section shall be in the form required by the Issuing Officer.

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Sec. 5601.2.3 Permit requirements. No person shall conduct blasting in the unincorporated area of the County without an explosives permit issued under this chapter. A person applying for an explosives permit shall, in addition to demonstrating compliance with fire safety requirements, shall also comply with all County requirements for any building permits, grading permits, use permits, encroachment permits and all other entitlements to use property, including zoning requirements and any determination under the Zoning Ordinance of nonconforming status. The applicant shall be responsible for providing proof of all necessary approvals when requested by the Issuing Officer.

Sec. 5601.2.4 Permit conditions. The Issuing Officer may impose conditions and procedures as are deemed reasonably necessary to protect the public health and safety based upon the facts and circumstances of a particular blasting operation. The permit conditions shall be in writing. Failure to comply with any permit condition is grounds for revocation of the permit. A blaster may request the Issuing Officer release the blaster from any permit condition if circumstances have changed that make the condition no longer applicable. In addition to complying with the County blasting regulations, a blaster shall also comply with blasting regulations of neighboring jurisdictions, for any blasting operations outside of the unincorporated area of the County conducted in conjunction with a project within the unincorporated areas of the County.

Sec. 5601.2.5 Insurance and indemnification required. As an additional condition for obtain an explosives permit the applicant shall submit: (1) a certificate of insurance evidencing that the blaster has obtained a general liability insurance policy which includes coverage for explosion, collapse and underground property damage from an insurer satisfactory to the Issuing Officer, that is in effect for the period covered by the permit, written on an "occurrence" basis, in an amount of not less than \$500,000 per each occurrence, naming the County and the FAHJ as an additional insured and providing that the policy will not be canceled or terminated without 30 days prior written notice to the County and (2) an agreement signed by the blaster agreeing to defend, indemnify and hold the County and its agents, officers and employees harmless from any claims or actions arising from the issuance of the permit or any blasting activity conducted under the permit.

Sec. 5601.2.6 Blasting hours. Blasting shall only be allowed Monday through Saturday, between the hours of 7:00 a.m. and 6:00 p.m. or ½ hour before sunset, whichever occurs first, unless special circumstances warrant another time or day and the Issuing Officer grants approval of the change in time or day.

Sec. 5601.2.7 Additional operational requirements. The owner of any property in the unincorporated area of the County on which any blasting is intended to occur, shall give, or cause to be given, a one-time notice in writing, for any proposed blasting to the local fire agency and dispatch center and to all residences, including mobile homes, and businesses within 600 feet of any potential major blast location or 300 feet from any potential minor blast location. The notice shall be given not less than 24 hours, but not more than one week, before a blasting operation and shall be in a form approved by the Issuing Officer. The minimum 24-hour notice requirement may be reduced to a lesser period but not less than one hour if the Issuing Officer determines that special circumstances warrant the reduction in time. Adequate precautions shall be taken to

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reasonably safeguard persons and property before, during and after blasting operations. These precautions shall include:

1. The blaster shall retain an inspector to inspect all structures, including mobile homes, within 300 feet of the blast site before blasting operations, unless inspection is waived by the owner and/or occupant. The inspector shall obtain permission of the owner and/or occupant before conducting the inspection. The inspection shall be only for the purpose of determining the existence of any visible or reasonably recognizable preexisting defects or damages in any structure. Waiver of inspection shall be in writing signed by the owner and/or occupant. Refusal to allow inspection shall also constitute a waiver. The inspector shall notify the owner and/or occupant of the consequences of refusing an inspection shall include a refusal in the summary report filed with the Issuing Officer. The blaster shall request an inspector conduct post-blast inspections upon receipt of a written complaint of property damage if the complaint is made within 60 days of completion of blasting operations. If the blaster has knowledge of alleged property damage independent of the written complaint, the blaster shall also retain an inspector to conduct a post-blast inspection.
2. An inspector shall complete and sign pre-blast- inspection reports identifying all findings and inspection waivers. The blaster shall retain the inspection reports for three years from the date of the blasting and upon a complaint of alleged damage the blaster shall immediately file a copy of the report with the Issuing Officer and provide a copy to the complainant. If there is a change in the blasting contractor after blasting has commenced on a project, a re-inspection shall be conducted in accordance with the preceding paragraph before the new blasting contractor undertakes any additional blasting.
3. The blaster shall retain an inspector to conduct a post-blast- inspection of any structure for which a written complaint alleging blast damage has been received. A written report of the inspection shall be immediately filed with the Issuing Officer and provided to any person who made a complaint for damages.
4. The blaster shall allow any representative of the Issuing Officer to inspect the blast site and blast materials or explosives at any reasonable time.
5. If the blaster wants a representative of the Issuing Officer to witness a blasting operation the blaster shall make a request with the Issuing Officer at least 12 hours before the blast. The blaster shall confirm the request for a witness with the Issuing Officer at least one hour before the blast. The blaster shall be responsible for any cost incurred by the Issuing Officer in having a representative witness the blast.
6. The blaster shall notify the Issuing Officer on the day of a scheduled blasting operation not less than one hour before blasting.
7. All major blasting operations shall be monitored by an approved seismograph located at the nearest structure within 600 feet of the blasting operation. All daily seismograph reports shall be maintained by the blaster for three years from the blasting.

Sec. 5601.2.8 Seizure of illegal items. The Issuing Officer may seize at the owner's expense, all explosives, ammunition or blasting agents, which are illegally manufactured,

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sold, offered or exposed for sale, delivered, stored, possessed or transported in violation of this chapter.

Sec. 5601.2.9 Violations for false or misleading information. It shall be unlawful and a violation of this chapter for any person to provide false or misleading information or documentation to the County or any of its officers or employees or to any fire department, fire protection district, fire company or legally formed volunteer fire department, or its officers or employees in the unincorporated area of the County, having jurisdiction over any aspect of the explosives or blasting permit process or blasting operations.

Sec. 5601.2.10 Fees. A person applying to the Issuing Officer to be approved as a blaster or inspector, as defined in this section, shall pay an application fee to the Issuing Officer. A person applying for an explosives permit under this section shall pay the fee established by the Issuing Officer with the application. The amount of any fee required by this chapter shall be determined by the Issuing Officer on the basis of the full costs involved in processing an application.

SEC. 5608.1. FIREWORKS DISPLAY.

Section 5608.1 of the California Fire Code is revised to read:

Sec. 5608.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in motion picture, television, theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Chapter 6 Fireworks and County Code sections 32.101 et seq. The Fire Warden is the Issuing Officer for any fireworks permit required by this Chapter. The Fire Warden may delegate the duties of Issuing Officer at her or his discretion. Additionally, as may be appropriate based on circumstances, the Issuing Officer may enter into memoranda of agreement with non-County fire agencies whereby such non-County agency will assume the duties of issuing a permit or permits required by this Chapter.

Sec. 5608.1.1 Scope. The possession, manufacture, sale, storage, use and display of fireworks are prohibited in the unincorporated area of the County except as provided in County Code sections 32.101 et seq.

SEC. 5705.2.4. TRANSFERRING CLASS I, II OR III LIQUIDS.

Section 5705.2.4 of the California Fire Code is revised to read:

Sec. 5705.2.4 Transferring Class I, II or III liquids. Class I or II liquids or Class III liquids that are heated up to or above their flash points shall be transferred by one of the following methods:

1. From safety cans complying with UL 30.
2. Through an approved closed piping system.
3. From containers or tanks by an approved pump taking suction through an opening in the top of the container or tank.

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4. Approved engineered liquid transfer system.

Exception: Liquids in containers not exceeding a 5.3-gallon (20 L) capacity.

SEC. 5706.2.5.2 TANKS FOR GRAVITY DISCHARGE.

Section 5706.2.5.2.1 of the California Fire Code is added to read:

Sec. 5706.2.5.2.1 Limitations on tanks for gravity discharge. Gravity dispensing of Class I or II liquids or Class III liquids that are heated up to or above their flash points is prohibited. Dispensing devices for flammable and combustible liquids shall be of an approved type. Approved pumps taking suction from the top of the tank shall be used. Flammable or combustible liquids shall not be dispensed by a device that operates through pressure within a storage tank. Air or oxygen shall not be used to pressurize an aboveground tank.

SEC. 5706.2.8.2 PROHIBITION ON USE OF TANK VEHICLE.

Section 5706.2.8.2 is added to the California Fire Code to read:

Sec. 5706.2.8.2. Tank vehicle as a substitute for permanent tank prohibited. The use of a tank vehicle in a stationary manner as a substitute for an approved above-ground or below-ground fuel tank is prohibited.

SEC. 6107.5. SAFETY PRECAUTIONS AND DEVICES-SECURING LPG TANKS.

Section 6107.5 is added to the California Fire Code to read:

Sec. 6107.5 Securing LPG tanks. When required by the FAHJ, LPG tanks shall be secured to prevent the tank from rolling or moving.

SEC. 8001. REFERENCED STANDARDS.

Section 8001 is added to the California Fire Code to read:

Sec. 8001. Referenced standard NFPA 13D. Referenced sections as follows:

Revise 5.1.1.2 to read as follows:

5.1.1.2 Spare sprinkler heads. Spare fire sprinkler heads (one of each type or as approved by the FAHJ) wrench, inspectors test key, operation and maintenance instructions shall be provided in the vicinity of the riser.

Add a new 7.1.5 to read as follows:

7.1.5 Pressure-reducing valve. If maximum static pressure from the water supply exceeds 130 psi, a pressure-reducing valve acceptable to the FAHJ shall be installed before the system riser. If pressure reducing valves are installed a pressure relief valve shall be installed and set at 175psi. When such valves are installed submittal documents must include manufacturer information sheets along with charts showing the dimensions

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(size) and flow characteristics inlet and outlet pressures at various flows for the type of valve being installed, and the valve shall be included in the design calculations.

Add a new 7.3.3 to read as follows:

7.3.4 Pressure gauge. An approved 300 psi pressure gauge shall be permanently installed at the riser.

Revise 7.6 to read as follows:

7.6 Alarms. A water flow switch shall be provided and located on the sprinkler riser above the check valve and main drain and shall actuate an audible fire alarm signal bell and may be required to be interconnected to the interior smoke alarms. The water flow switch shall be a retarding type with a delay between 15-60 seconds before activation of the signal bell. Alarm bell shall have a minimum diameter of 8 inches and be mounted on the exterior in the vicinity of the master bedroom. The alarm bell shall be clearly audible in all bedrooms with intervening doors closed.

Revise 8.3.2 to read as follows:

8.3.2 Sprinklers are not required in bathrooms where the area does not exceed 55 sq. ft. unless there is door exiting directly to the outside, and the walls and ceilings including behind fixtures, are of noncombustible or limited combustible materials providing a fifteen-minute thermal barrier.

Revise 8.3.4 to read as follows:

8.3.4. Sprinklers may be omitted from carports and open attached porches. However, attached garages shall be protected with intermediate temperature rated sprinklers. Sprinkler heads in garages shall be protected against mechanical damage by approved guards, unless recessed heads are provided. Garage doors may be disregarded in the layout of the fire sprinkler system.

Revise 8.3.5.1.1 to read as follows:

8.3.5.1.1. Where the fuel-fired equipment is above all of the occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment.

Add a new 10.2.4.1 to read as follows:

10.2.4.1 3-Head Calculation. When design conditions exceed the allowances of sec. 10.2, a 3-head calculation may be required by the FAHJ.

Add a new 10.2.5 to read as follows:

10.2.5 Pressure Cushion. The system shall be designed 10% below available water source pressure during peak usage.

Revise 11.2.1.1 to read as follows:

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11.2.1.1 Hydrostatic Tests. Where a fire department connection is not provided, the system shall be hydrostatically tested at 200 psi.

Revised 12.3.6 to read as follows:

12.3.6 Inactive Systems. When sprinkler systems are shut-off or otherwise inoperative for periods greater than 48 hours for repair of service, the FAHJ must be notified immediately.

SEC. APP.B103.3. AREAS WITHOUT WATER SUPPLY SYSTEMS.

Appendix B, section B103.3 of the California Fire Code is revised to read:

B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural areas and suburban areas in which adequate and reliable water supplies do not exist, the fire code official is authorized to utilize NFPA 1142 or the standard published by the Insurance Services Office document entitled "Guide for Determination of Required Fire Flow."

Sec. 4902.2 Declaration: The legislative body shall declare the Wildland Interface Areas within the jurisdiction. The Wildland Urban Interface Areas shall be based on the findings of fact. The Wildland Urban Interface Area boundary shall be any geographic area mapped or otherwise identified by the State or local jurisdiction as a High Hazard, or Very High Fire Severity Zone, or as set forth by the (insert fire district name). When the type and condition of vegetation, topography, weather, and structure density, which potentially increases the probability of vegetation conflagration, exists, such area shall be considered a Very High Fire Severity Zone.

SEC. APP.H100 REPORTING FORMS

Appendix H, sec. H100 is added to the California Fire Code to read:

SECTION H100 REPORTING FORMS

H100.1 Reporting forms. Hazardous Materials reporting forms currently adopted by San Diego County Department of Environmental Health Hazardous Materials Management Unit which cover the same areas as forms contained in this Appendix are adopted by reference and take precedence over this Appendix.

Section 5.04.030 Geographical Limits.

The geographic limits referred to in certain sections of the 2019 California Fire Code are established as follows:

(a) **Sec. 5704.2.9.6.1.** The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited is hereby established as the jurisdictional limits of the Ramona Municipal Water District.

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Exceptions:

1. In areas zoned for mixed, general or high impact industrial uses.
2. Crankcase draining may be stored in specially constructed above-ground storage tanks, approved by the fire code official, with a maximum capacity of 550 gallons. These tanks may be located within a building when the fire code official deems appropriate and the container meets U.L. Standard 2085. Containers shall be installed and used in accordance with their listing and provisions shall be made for leak and spill containment. In no case shall storage be allowed on residential or institutional property.
3. With the fire code official's approval, Class I and II liquids may be stored above ground outside of buildings in specially designed, approved and listed containers which have features incorporated into their design which mitigate concerns for exposure to heat, ignition sources and mechanical damage. Containers shall be installed and used in accordance with their listing, and provisions shall be made for leak and spill containment. The fire code official may disapprove the installation of these containers when in his or her opinion their use presents a risk to life or property.

(b) **Sec. 5706.2.4.4.** The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited is hereby established as the jurisdictional limits of the Ramona Municipal Water District.

Exceptions:

1. In areas zoned for other than residential uses, when approved by the FAHJ.
2. Crankcase draining may be stored in specially constructed above-ground storage tanks, approved by the fire code official, with a maximum capacity of 550 gallons. These tanks may be located within a building when the fire code official deems appropriate and the container meets U.L. Standard 2085. Containers shall be installed and used in accordance with their listing, and provisions shall be made for leak and spill containment. In no case shall storage be allowed in residential or institutional property.
3. With the fire code official's approval, Class I and II liquids may be stored above ground in specially designed, approved and listed containers which meet U.L. Standard 2085. Containers shall be installed and used in accordance with their listing, and provisions shall be made for leak and spill containment. The fire code official may disapprove the installation of such containers when in his opinion their use presents a risk to life or property.

(c) **Sec. 5806.2.** The geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited is hereby established as the jurisdictional limits of the Ramona Municipal Water District, except for areas zoned for mixed, general or high impact industrial uses.

(d) **Sec. 6104.2.** The geographic limits in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as the jurisdictional limits of the Ramona Municipal Water District, except for areas zoned for mixed, general or high impact industrial uses.

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Exception: Bulk tanks with a maximum aggregate capacity of 30,000 gallons water capacity for above-ground storage of underground distribution to residential areas, where the storage and distribution meets Fire Code requirements as determined by the FAHJ.

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Chapter 5.10

FIRE PREVENTION SERVICES

Contents:

Section 5.10.010 Fire Prevention Services.

Section 5.10.020 Fees and Procedure.

Section 5.10.010 Fire Prevention Services.

The Ramona Municipal Water District contracts with the County of San Diego to authorize the San Diego County Fire Authority to perform fire prevention services to Ramona residents on behalf of the Ramona Municipal Water District/Fire Department. The San Diego County Fire Authority enforces the Ramona Municipal Water District Fire Code adopted by the Board of Directors which includes the California Fire Code, International Fire Code, National Fire Protection Association Standards, and the Ramona Municipal Water District's local amendments.

Section 5.10.020 Fees and Procedure.

All applicants requesting fire prevention services, including but not limited to, plan review, inspection and engineering support, from the San Diego County Fire Authority will comply with the County of San Diego's procedures. User fees for such services will be charged by the County of San Diego pursuant to the County of San Diego's duly adopted user fee schedule.

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Chapter 5.15

AUTOMATIC FIRE ALARM SYSTEMS

Contents:

- Section 5.15.010 Short Title.**
- Section 5.15.020 Purpose and Intent.**
- Section 5.15.030 Definitions.**
- Section 5.15.040 Prohibitions.**
- Section 5.15.050 False Alarm: Prevention Fee.**
- Section 5.15.060 False Alarm Determination.**
- Section 5.15.070 Code Enforcement.**
- Section 5.15.080 Confidentiality.**

Section 5.15.010 Short Title.

This chapter shall be known and may be cited as the "Ramona Fire Department Fire Alarm Ordinance."

Section 5.15.020 Purpose and Intent.

The Ramona Municipal Water District/Ramona Fire Department finds and declares that:

- A. Inadequately maintained security alarm systems present a growing danger to the health, safety and welfare of the residents of Ramona.
- B. The volume and frequency of nuisance alarms are conditions which have persisted and increased so as to become hazardous and causing a serious drain upon limited Fire Department equipment needed at other locations.
- C. The unnecessary waste of tax dollars through responses to nuisance alarms must be reduced.
- D. Every residence and business property is entitled to the safety and protection afforded by the Ramona Fire Department.
- E. The necessity for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of public policy in the pursuance of security and promoting the public health, safety and welfare of Ramona.

Section 5.15.030 Definitions.

For the purpose of this Chapter, the following words and phrases shall be construed as set forth in this section unless otherwise indicated in this Chapter.

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- A. "Alarm System" shall mean any device designed for the detection of an unwanted fire. It shall include those devices which emit a signal within the protected premises only and are supervised by the proprietor of the premises where located, and otherwise known as a proprietary alarm. Auxiliary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system are not included in this definition.
- B. "Alarm Agent" shall mean and include any person who is self-employed directly or indirectly by an alarm business operator whose duties include, but are not limited to selling, maintaining, installing, monitoring, demonstrating, or causing others to respond to an alarm in or on any building, place or premises. This definition shall not apply to local safety officers as defined in Government Code 20019.4.
- C. "Alarm Business Operator" shall mean and include any business operator for any consideration whatsoever, for the purpose of installing, maintaining, altering or servicing alarm systems or which responds to such alarm systems. "Alarm Business Operator," however, shall not include a business which merely sells from a fixed location or manufactures alarm systems unless such business services, installs, monitors or responds to alarm systems at the protected premises.
- D. "Alarm User" means any person, firm, partnership, association, corporation or organization of any kind who owns, leases, rents, uses or makes available for use by its agents, employees, representatives or immediate family an alarm system in the Ramona Municipal Water District boundaries.
- E. "Audible Alarm" means an alarm system designed to emit an audible sound outside of the protected premises to alert persons of an unwanted fire.
- F. "Day" means calendar day unless specified otherwise.
- G. "Enforcement Official" means the Fire Chief or his/her designated representative.
- H. "False Alarm" shall mean the activation of an alarm system due to other than an actual fire at the premises. Any activation of an alarm system caused by any malfunction of telephone line or power line circuits or violent atmospheric or geologic conditions does not constitute a false alarm.
- I. "Notice" shall mean written notice, given by personal service upon the addressee, or, given by United States mail, postage prepaid, addressed to the person to be notified at their last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of the United States Postal Service.
- J. "Nuisance Alarm System" shall mean a system with two (2) or more false alarm activations within a six (6) month period or four (4) or more within each of two consecutive six (6) month periods (1 year).

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- K. "RMWD/RFD" means the Ramona Municipal Water District/Ramona Fire Department.

Section 5.15.040 Prohibitions.

- A. It shall be unlawful to install or modify an alarm system which upon activation emits a sound similar to sirens used on emergency vehicles or for civil defense purposes.
- B. It shall be unlawful to continue operation of a nuisance alarm system without instituting corrective measures to eliminate the generation of false alarms.

Section 5.15.050 False Alarm: Prevention Fee.

Any person who uses an alarm system for the protection of his real or personal property or person which has caused any signal, message or alarm, to be transmitted, either by direct communication from an alarm agent or an alarm business, or by a person responding to an audible alarm and which is proven to be false, shall pay a false alarm prevention fee to the Ramona Municipal Water District as follows:

- A. The first two (2) false alarms in any six (6) month period shall be considered accidental and no penalty fees shall be charged. The owner or lessee of the alarm system shall be notified in writing after the occurrence of the second false alarm that additional false alarms within six (6) months of the first shall result in the following penalty assessments. Such assessments shall be established by the Ramona Municipal Water District Board of Directors, and shall be paid to the Ramona Municipal Water District, through its designee for deposit in the Fire Fund.

Third false alarm \$50.00
Fourth false alarm \$100.00
Fifth false alarm \$150.00
Each additional false alarm \$200.00

- B. The Ramona Municipal Water District shall cause to be issued a monthly bill for the unpaid fees accrued during any month billing period and any prior periods. Such bill shall be due and payable within thirty (30) days after the billing date.
- C. A penalty of fifteen percent (15%) shall be added to the fees required by this section in connection with any fees not paid in the time and manner set forth above.
- D. The amount of any fee and late penalty assessed pursuant to this article shall be deemed a debt to the Ramona Municipal Water District and an action may be commenced in the name of the Ramona Municipal Water District any court of competent jurisdiction in the amount of the delinquent debt. Payment of any user fees and late charges shall not prohibit criminal prosecution for the violation of any provisions of this Chapter.

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Section 5.15.060 False Alarm Determination.

The cause for activation of an alarm system shall be determined by Ramona Fire Department, and upon failure to find evidence of a true fire emergency, the Fire Chief shall make the determination that the alarm was false as defined by Section 5.15.030.

Section 5.15.070 Code Enforcement.

If the alarm user disputes any fee assessment or suspension or revocation of the use of an alarm system, such person may appeal such action. The procedure for an appeal shall be that set forth by the Ramona Municipal Water District Board of Directors.

Section 5.15.080 Confidentiality.

To the extent authorized by State law, the information furnished and secured pursuant to this Chapter shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this Chapter.

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Chapter 5.20

FIRE PROTECTION AND AMBULANCE/PARAMEDIC
FEES AND CHARGES

Contents:

- Section 5.20.010 Findings.
- Section 5.20.030 Charges and Fees Exempt From CEQA.
- Section 5.20.040 Service Charges Designated.
- Section 5.20.050 Service Charges: Other Occupancies.
- Section 5.20.070 Collection of Fire Protection Charges.
- Section 5.20.080 Service Charges to be Charged Against Service Deposit.
- Section 5.20.085 Unpaid Fire/Paramedic Service Charges: Procedures for Collection/Appeal of Charges.
- Section 5.20.090 Ambulance and Paramedic User Fees Established.
- Section 5.20.095 Ambulance and Paramedic User Fees Adjustments.

Section 5.20.010 Findings.

This board of directors finds as follows:

- A. That, in order to maintain an adequate level of service, it is necessary to impose the charges established herein to pay for part of the cost of operation, installation, capital, maintenance, repair, alteration and replacement of facilities and equipment relating to supplying water for fire protection purposes;
- B. That the charges established herein are commensurate with the costs relating to supplying water for fire protection purposes;
- C. That the charges established herein bear a reasonable relationship to the level of service rendered by the district;
- D. That the charges established herein are specifically authorized under Section 53069.9 of the Government Code.

Section 5.20.030 Charges and Fees Exempt From CEQA.

In accordance with the California Environmental Quality Act Guidelines, Section 15061, the Board of Directors finds and determines that the fire/paramedic protection service charges established by this ordinance are exempt from CEQA as follows:

The fire/paramedic service rates being established by this chapter will not have any significant effect upon the environment in accordance with Guidelines Section 15061(b)(3).

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Section 5.20.040 Service Charges Designated.

There is levied to each premises within the district a non ad valorem special property tax as an excise tax for fire protection services, including ambulance/paramedic services, and such charge is based on equivalent dwelling units (EDUs) as set forth in this section. The fire/paramedic tax is established at the rate of one hundred eighty-eight dollars and fifty-two cents per EDU per year.

Group A Occupancies Defined

- Division 1. Any assembly building or portion of a building with a legitimate stage and an occupant load of 1000 or more.
- Division 2. Any building or portion of a building having an assembly room with an occupant load of less than 1000 and a stage.
- Division 2.1. Any building or portion of a building having an assembly room and an occupant load of 300 or more without a stage, including such buildings used for educational purposes and not classed as a Group E or Group B, Division 2 Occupancy.
- Division 3. Any building having an assembly room with an occupant load of less than 300 without a stage including such buildings used for educational purposes and not classed as a Group E or Group B, Division 2 Occupancy.
- Division 4. Stadiums, reviewing stands and amusement park structures not included within other Group A Occupancies.

Group A	EDU Basic Values
Divisions 1 through 3 Every fifty (50) persons Minimum 2.5 EDUs	2.5
Division 4 Every fifty (50) persons Minimum 2.5 EDUs	0.25

Group B Occupancies Defined

- Division 1. Repair garages where work is limited to exchange of parts and maintenance requiring no open flame, welding, or use of Class I, II or II-A liquids.
- Division 2. Drinking and dining establishments having an occupant load of less than 50, wholesale and retail stores, office buildings, printing plants, police and fire stations, factories and workshops using material not highly flammable or combustible, storage and sales rooms for combustible goods, paint stores without bulk handling, building used for educational purposes beyond the 12th grade with less than 50 occupants in any room.

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The number of pupils shall be based on the average daily attendance of pupils at the school during the preceding fiscal year computed in accordance with Education Code of the State of California; provided, however, where the school has had no attendance during the preceding fiscal year, the average daily attendance for the year for which the fee is to be paid shall be based upon our estimated attendance provided by the school.

Group H Occupancies Defined

- Division 1.1 Explosives, blasting agents, fireworks and black powder.
- Division 1.2 Unclassified detonatable organic peroxides.
- Division 1.3 Class 4 oxidizers.
- Division 1.4 Class 4 or Class 3 detonatable unstable (reactive) materials.
- Division 2.1 Class I organic peroxides.
- Division 2.2 Class 3 nondetonatable unstable (reactive) materials.
- Division 2.3 Pyrophoric gases.
- Division 2.4 Flammable or oxidizing gases.
- Division 2.5 Class I, II or III-A flammable or combustible liquids which are used in normally open containers or systems or in closed containers pressurized at more than 15 pounds per square inch gauge.
- Division 2.6 Combustible dusts in suspension or capable of being put into suspension in the atmosphere of the room or area.
- Division 2.7 Class 3 oxidizers.
- Division 3.1 Class II, III or IV organic peroxides.
- Division 3.2 Class 1 or 2 oxidizers.
- Division 3.3 Class I, II or III-A flammable liquids or combustible liquids which are utilized or stored in normally closed containers or systems and containers pressurized at 15 pounds per square inch gauge or less and aerosols.
- Division 3.4 Class III-B combustible liquids.
- Division 3.5 Pyrophoric liquids or solids.
- Division 3.6 Water reactives.
- Division 3.7 Flammable solids, including combustible fibers or dusts, except for dusts included in Division 2 occupancies.

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- Division 3.8 Flammable or oxidizing cryogenic fluids (other than inert).
- Division 3.9 Class I unstable (reactive) gas or Class 2 unstable (reactive) materials.
- Division 4 Repair garages not classified as Group B, Division 1 Occupancies.
- Division 5 Aircraft repair hangars and heliports not classified as Group B, Division 3 Occupancies.
- Division 6 Semiconductor fabrication facilities and comparable research and development areas when the facilities in which hazardous production materials (HPM) are used and the aggregate quantity of materials are in excess of those listed in Table No. 9-A or 9-B. Said facilities and areas shall be designed and constructed in accordance with Section 911.
- Division 7.1 Corrosives.
- Division 7.2 Toxic and highly toxic materials.
- Division 7.3 Irritants.
- Division 7.4 Sensitizers.
- Division 7.5 Other health hazards.

Group H

EDU Basic Values

Per each 3600 sq. ft. 1.0

Group I Occupancies Defined

- Division 1.1 Nurseries for the full-time care of children under the age of six (each accommodating more than five persons). Hospitals, sanitariums, nursing homes with non-ambulatory patients and similar buildings (each accommodating more than five persons).
- Division 1.2 Health care centers for ambulatory patients receiving outpatient medical care which may render the patient incapable of unassisted self-preservation (each tenant space accommodating more than five such patients).
- Division 2 Nursing homes for ambulatory patients, homes for children six years of age or over (each accommodating more than five persons).
- Division 3 Mental hospitals, mental sanitariums, jails, prisons, reformatories and buildings where personal liberties of inmates are similarly restrained.

Group I

EDU Basic Values

Per each 3 occupants 1.0

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Group M Occupancies Defined

- Division 1 Private garages, carports, sheds and agricultural buildings.
- Division 2 Fences over 6 feet high, tanks and towers.

Group M EDU Basic Values

Per each 15,000 sq. ft. 0.20

Group R Occupancies Defined

- Division 1. Hotels and apartment houses, and congregate residences (each accommodating more than 10 persons).
- Division 2. Not used.
- Division 3. Dwellings and lodging houses, congregate residences (each accommodating 10 persons or less).

Group R EDU Basic Values

Division 1
Hotels per each living unit without kitchen 0.33
Hotels per each living unit with kitchen 0.55
Apartments per each living unit 1.00
Others per each four (4) occupants 1.00

Division 2
Not Used.

Division 3
Single-family dwellings detached 1.00
Mobile Homes 1.00
Travel Trailer Park (per each space) 0.75
Lodging Houses (permit) 0.33

Others per each unit or space 1.00

Group C Occupancies Defined

For the purposes of these regulations, Group C Occupancies shall mean "Organized Camps" as defined in Section 18897, Health and Safety Code.

Group C EDU Basic Values

Per each campsite 0.20

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Section 5.20.050 Service Charges: Other Occupancies.

Those occupancies not classified in Section 5.20.040 shall be evaluated by the general manager using comparable occupancy standards to determine the appropriate number of EDUs. Provided, however, that in no case shall EDUs assigned by the general manager be less than 1.0.

Section 5.20.070 Collection of Fire Protection Charges.

The fire protection tax shall be collected at the same time and in the same manner as other water rates or water charges of the district, or by direct billing of the property owner, or by collection by the County of San Diego on the property tax bill, deposited into a Fire Operating or Capital Funds of the Ramona Municipal Water District and used only for fire and paramedic purposes, including, but not limited to, the acquisition of equipment, the payment of personnel costs, the payment of operating expenses or the payment of a valid contract to provide such services. Collection of the 1997/98 tax in its entirety shall be made by the district in any of the previously identified methods available to the District.

Section 5.20.080 Service Charges to be Charged Against Service Deposit.

- A. A fire/paramedic services deposit shall be established in an amount equal to twelve times the current monthly fire/paramedic service rate.
- B. The deposit shall be collected by the district at the time a building permit is taken.
- C. Fire/paramedic tax for the period of time from when the fire inspector determines services are provided until July 1st of the year in which the fees are placed on the tax rolls shall be charged against the customer deposit.

Section 5.20.085 Unpaid Fire/Paramedic Service Charges: Procedures for Collection/Appeal of Charges.

- A. Purpose. Certain owners of property within the District did not pay for fire/paramedic services charges even though they received these services. It is the intent of this Ordinance to provide a procedure for repayment of these unpaid fire/paramedic service charges.
- B. CEQA Exemption. The District finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines section 15273. The District finds that the Ordinance involves collection of existing fire/paramedic service charges which will not have any impact upon the environment.
- C. Retroactive Billing. If the owner of any property within the District has not paid fire/paramedic service charges for any portion of a thirty-six month period before notification by the District, the unpaid charges to the extent of 36 months of arrears shall be due and payable to the District.

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- D. Notification. The District shall notify property owners of any unpaid fire/paramedic service charges by letter mailed to the address of record for the property owner.
- E. Exemption. Within thirty (30) days of mailing of the District's notification, a property owner may present evidence to the District that he or she was not the owner who received the fire/paramedic services for all or any portion of the period billed. A property owner who provides such evidence to the satisfaction of the District staff shall be relieved of the obligation to pay the billed amount for the period the property owner has demonstrated he or she did not receive the service. The District shall notify the property owner of this exemption by mail.
- F. Payment of Unpaid Fire/Paramedic Service Charges. If any fire/paramedic service charges remain unpaid 180 days after notification from the District, the District shall record a lien pursuant to California Water Code section 72100 and/or California Water Code section 72102 against the property of the owners for those unpaid charges.
- G. Appeal. A property owner may request a review of the annual Fire/Paramedic EDU Service Charge for their open construction project and a written recommendation from the District at their expense. The District shall coordinate the review for recommendation from the Ramona Fire Department Chief (Chief). If the Chief recommends a reimbursement of past Fire/Paramedic EDU Service Charges due to inability to provide service during the open construction period, the General Manager is authorized to make determinations and execute reimbursements up to \$10,000. Reimbursements greater than \$10,000, require the Chief's recommendation and authorization from the Board of Directors. If the Chief does not recommend a refund of past Fire/Paramedic EDU Service Charges, the property owner can appeal the Fire/Paramedic EDU Service Charges to the Board of Directors of the District by a written request, sent to the District offices to the attention of the General Manager. Reimbursements of Fire/Paramedic EDU Service charges on open construction projects are limited to a maximum of the amount paid by the property owner within 12 months prior to the date of the property owner's request for reimbursement.
- H. Effective Date and Inclusion in Legislative Code. This Ordinance shall take effect immediately upon adoption by the Board of Directors of the District. This Ordinance shall remain effective until repeal by the Board of Directors of the District. Any prior District ordinances, resolutions, or policies inconsistent with this Ordinance are hereby repealed. Sections 3 through 7 of this Ordinance shall be added to the Legislative Code under the Chapter titled Fire Protection and Ambulance/Paramedic Fees and Charges.

Section 5.20.090 Ambulance and Paramedic User Fees Established.

Ambulance and paramedic service user fees are hereby established in accordance with the following schedule:

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Advanced Life Support (ALS) and Basic Life Support (BLS) Rates for Ramona Residents; Non- Residents and those Out-of-District, as defined by Legislative Code Chapter 5.22 "Out of District Fire Services", will pay Non-Residents fees.				
	ALS	ALS	BLS	BLS
	Resident	Non-Resident	Resident	Non-Resident
Base Rate	\$ 1,523.00	\$ 1,712.00	\$ 1,479.00	\$ 1,668.00
Treat at Scene	\$ 138.00	\$ 200.00	\$ 138.00	\$ 200.00
Mileage	\$ 19.00	\$ 19.00	\$ 19.00	\$ 19.00
Oxygen	\$ 71.00	\$ 94.00	\$ 71.00	\$ 94.00
ALS 2	\$ 1,635.00	\$ 1,824.00	\$ 1,635.00	\$ 1,824.00
EKG	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Night	\$ 43.00	\$ 43.00	\$ 43.00	\$ 43.00
Supplies	Cost + 90%	Cost +137%	Cost + 90%	Cost + 137%

Section 5.20.095 Ambulance and Paramedic User Fees Adjustments.

Ambulance and paramedic service user fees established by Section 5.20.090 shall be adjusted one (1) time each year, commencing on January 1, 2020 and continuing each year thereafter on January 1, or as soon thereafter as is feasible, until January 1, 2024. Such adjustment shall be no greater than the amount directly proportionate to the percentage change in the San Diego Area Consumer Price Index for All Urban Consumers as compiled by the United States Department of Labor, Bureau of Statistics, since the previous update to the ambulance and paramedic service user fees, with each fee amount rounded to the nearest whole dollar. In no event will an annual adjustment be greater than 3% or exceed the District's costs to provide the ambulance and paramedic services. This annual adjustment process will be reviewed and modified, if necessary, at least every (5) five years by the Board of Directors.

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Chapter 5.22

OUT OF DISTRICT FIRE SERVICE

Contents:

Section 5.22.010	Policy.
Section 5.22.020	Out of District Response.
Section 5.22.030	Annexation to District for Fire Service Only.
Section 5.22.040	Contract for Out of District Fire Service Only.

Section 5.22.010 Policy.

- A. In this chapter of code the term “fire service” refers to both fire protection and emergency medical services.
- B. The Ramona Municipal Water District (District) will endeavor to be the primary fire and emergency medical services provider within the Ramona community planning area.
- C. The District will encourage and participate in the use of automatic and mutual aid with its neighboring communities, and as part of overall national, state and county plans.
- D. Any area served must comply with all District ordinances and policies as they relate to fire protection and emergency medical services.
- E. The District will attempt to encourage and assist other fire protection districts in the development of services in areas beyond the District boundaries, particularly those areas north and east of Ramona Municipal Water District.

Section 5.22.020 Out of District Response.

- A. The Ramona Fire Department will not respond nor provide services beyond the boundaries of the District except in the case of a bona fide mutual aid request or a contract for service.

Section 5.22.030 Annexation to District for Fire Service Only.

- A. To obtain primary fire service from the District requires that the parcel benefiting annex into the District. See Legislative Code Section 7.60 “Service Area Expansion and Annexation” specifically Section 7.60.030 for the annexation process. To obtain water or sewer service requires completing separate system evaluations, executing service agreements, and paying appropriate annexation or inclusion fees.

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- B. Parcels that annex into the District for fire service only shall pay an annexation fee based on the following formula: (Current value of the department equipment and facilities) divided by (the number of equivalent dwelling units in the District) X (the number of equivalent dwelling units assigned to the parcel(s)). The current annexation fee as of December 26, 2007 is \$700.
- C. Annexation fee shall be paid prior to submitting the pre-Sphere of Influence Expansion agreement to the Board for consideration.
- D. Upon annexation to the District for fire service only, the parcel becomes subject to all conditions of the pre-Sphere of Influence Expansion agreement and the fees, charges and costs, current and future, established by the District.
- E. The pre-Sphere of Influence Expansion agreement shall be based on a fire service evaluation that addresses the parcel(s) prorated share of the costs, current and future, associated with all resources (buildings, equipment, and staffing) required to provide appropriate service to the benefit area the parcel is located in as established by the District.

Section 5.22.040 Contract for Out of District Fire Service Only.

- A. To obtain a contract for out of District fire service from the District requires that the parcel(s) benefiting complete the following process. To obtain water or sewer service requires completing separate system evaluations, executing service agreements, and paying appropriate annexation or inclusion fees.
- B. Owner to obtain a letter from the fire protection district (primary) with the right to serve the parcel directed to the District requesting the District to provide fire service to the parcel(s). District staff to submit fire service request to the Board for consideration.
- C. Owner to make a deposit with the District and with the primary agency to cover all costs of evaluating the request, negotiating and preparing agreements and documents, and all costs in accordance with Section 2.44.020 "Payment for services provided by RMWD staff." Deposit shall be required at the sole discretion of the District Engineer.
- D. The District shall prepare a fire service evaluation to determine conditions for providing fire service and incorporate the conditions into the "Out-of-District Fire Protection" agreement and the interagency agreement.
- E. Parcels to receive contracted fire protection service shall pay an "inclusion fee" that is equivalent to the annexation fee in 5.22.030 (B).
- F. Inclusion fee shall be paid prior to submitting the interagency agreement and out-of-District agreement to the Board for consideration.
- G. The fire service evaluation shall address the parcel(s) prorated share of the costs, current and future, associated with all resources (buildings, equipment,

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and staffing) required to provide appropriate service to the benefit area the parcel is located in as established by the District. Cost shall include capital improvement fees, mitigation fees, the share of annual costs of no less than those areas currently served by the district, but that may be greater depending on the actual cost to provide service. This interagency agreement shall address how annual fees will be collected, such as by taxes by the primary fire protection provider and then paid to the District. The capital improvement fees and mitigation fees currently (as of December 26, 2007) are per County Ordinance 9846 operative on July 1, 2007.

Chapter 5.24

AMBULANCE/PARAMEDIC SUBSCRIPTION PROGRAM

Contents:

Section 5.24.010	Established.
Section 5.24.020	Purpose of Program.
Section 5.24.030	Program Eligibility.
Section 5.24.040	Open Enrollment Period.
Section 5.24.050	Yearly Fees.
Section 5.24.060	Benefits Payable When.
Section 5.24.070	Who is Covered.

Section 5.24.010 **Established.**

There is an established district ambulance/paramedic subscription program.

Section 5.24.020 **Purpose of Program.**

Under the program the district will sell an ambulance/paramedic subscription which authorizes the district to directly bill a third party insurance carrier and waive any billed uninsured portion of the ambulance/paramedic user fees adopted under Chapter 5.20.

Section 5.24.030 **Program Eligibility.**

Anyone currently covered for emergency medical transport services by an insurance carrier is eligible to subscribe. It is the participant's responsibility to review their coverage limits to determine whether subscription to the program is of benefit. Those with no out-of-pocket costs for emergency medical transport services under their specific insurance plan will receive no benefit by enrolling in the program.

Section 5.24.040 **Open Enrollment Period.**

Each year there shall be an open enrollment period beginning on January 1st thru December 31st of the same year. Subscription expires on December 31st of the year of enrollment.

Section 5.24.050 **Yearly Fees.**

Fees for the ambulance/paramedic subscription program shall be \$65.00 annually, pro-rated to when a subscriber joins the program. Said fee shall cover each person in the household that has existing health insurance coverage for emergency medical transport services.

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Section 5.24.060 Benefits Payable When.

Benefit(s) under the district's subscription program shall only be payable when district ambulance/paramedic services are provided for medically necessary reasons and the participant's insurance carrier has authorized payment for the covered portion(s) of the transport.

Section 5.24.070 Who is Covered.

The program covers those who reside within the household. A household is defined as legal spouse, or domestic partner, or single parent, and their dependent children under the age of 26 living at the same address, or a single individual household.

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Chapter 5.28

NUISANCES

Contents:

Section 5.28.010	Definitions.
Section 5.28.011	County of San Diego Combustible Vegetation and Other Flammable Materials Ordinance.
Section 5.28.020	Public Nuisances.
Section 5.28.030	County of San Diego Defensible Space Ordinance
Section 5.28.040	Notice to Abate Nuisance.
Section 5.28.050	Right of Appeal.
Section 5.28.060	Time Limit for Removal of Nuisance.
Section 5.28.070	Abatement of Nuisance by Fire Chief.
Section 5.28.080	Hearing: Posting of Time and Place.
Section 5.28.090	Hearing: Board of Directors' Decision.
Section 5.28.100	Payment Prior to Hearing.
Section 5.28.110	Collection of Assessments.
Section 5.28.120	Violation: Penalty.
Section 5.28.130	Discretion.
Section 5.28.140	State Responsibility Area.

Section 5.28.010 Definitions.

For the purposes of this Chapter 5.28, the following terms shall be defined as follows, except that to the extent any of these definitions conflict with those in Section 5.28.030, then the definitions found in Section 5.28.030 shall control for the application to Section 5.28.030:

“Abatement Report” shall mean that report filed by the Fire Chief with the board of directors detailing abatement work performed by the Fire Chief to remove a nuisance upon the failure of the property owner to remove the nuisance after Notice, as defined and required herein. The Abatement Report shall include an accurate account of the cost of abating the nuisance on each separate property.

“Fire Authority Having Jurisdiction” (“FAHJ”) shall mean the designated entity providing enforcement of fire regulations as such regulations relate to planning, construction and development.

“Fire Chief” shall mean the Chief of the District’s Fire Department or his or her authorized designee.

“Fire Code” shall mean the Fire Code as adopted by the District in its Legislative Code, which incorporates the California Fire Code by reference, as may be amended from time to time.

“Fire Marshal” shall mean the Fire Marshal of the District or his or her authorized designee.

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“Notice” shall mean one or all of the following methods of notice, whichever method(s) is best suited, in the discretion of the Fire Chief, to provide actual notice to the property owner:

- A. By personal service on the owner, occupant or person in charge or control of the property;
- B. By regular mail addressed to the owner or person in charge and control of the property, at the address shown on the last available assessment roll, or as otherwise known;
- C. By posting at a conspicuous place on the land or abutting public right-of-way or insertion of an advertisement at least once a week for the period of two weeks in a newspaper of general circulation in the district. Said newspaper advertisement shall be a general notice that property in the district has been posted in accordance with this section and contain a general statement of the effect of such postings. The date of such newspaper advertisements shall not be considered in computing the appeal periods provided by this chapter.

“Structure” shall mean a residence, detached garage, utility building or related facility designed for human habitation or buildings designed for agricultural use or the housing of farm animals.

“Waste Matter” shall mean matter, which by reason of its location and/or character, may, in the Fire Chief’s discretion, hamper or interfere with the prevention or suppression of fire upon the premises or adjacent premises, such as, but not limited to, combustible, non-functioning material.

“Weeds” shall mean, pursuant to California Health and Safety Code section 14875, as such section may be amended from time to time, vegetation growing upon streets, sidewalks, or private property in any county, including any fire protection district and may include any of the following:

- A. Vegetation that bears seeds of a downy or wingy nature.
- B. Vegetation that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent improved property.
- C. Vegetation that is otherwise noxious or dangerous.
- D. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
- E. Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

Section 5.28.011 County of San Diego Combustible Vegetation and Other Flammable Materials Ordinance.

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The District hereby adopts the County of San Diego Combustible Vegetation and Other Flammable Materials Ordinance, Ordinance No. 9633, ("County Ordinance") by this reference as may be applicable and as such Ordinance may be revised by the County of San Diego from time to time. To the extent that the County Ordinance conflicts with any provision of this Legislative Code, this Legislative Code shall govern. In applying the County Ordinance to the District, the terms "County" and "Director" referenced in the County Ordinance shall be interpreted to mean the "District" and the "General Manager or his or her designee," respectively.

Section 5.28.020 Public Nuisances.

The District hereby declares the following as public nuisances:

- A. Weeds, grasses and other combustible items are hereby declared a public nuisance.
 - 1. All weeds, dry grasses, dead shrubs, dead trees, rubbish or any material growing upon the streets, sidewalks or upon private property within the district which bears seeds of a wingy or downy nature or which by reason of their size, manner of growth and location constitute a fire hazard to any building, improvements, crops or other property, and weeds and grasses which, when dry, will in reasonable probability constitute such a fire hazard, are declared to be a public nuisance.
 - 2. Cultivated and useful grasses and pasture may not be declared a public nuisance. It is not intended that natural chaparral and shrubbery be generally considered as weeds or a public nuisance. However, if the Fire Chief shall determine it necessary to protect adjacent improved property from fire exposure, an adequate fire-break may be required.
- B. Waste Matter is hereby declared a public nuisance.

Section 5.28.030 County of San Diego Defensible Space Ordinance.

- A. The District hereby adopts by reference the County of San Diego Defensible Space for Fire Protection Ordinance, Chapter 4 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances ("County Code"), sections 68.401-68.419 ("Defensible Space Ordinance") as may be amended from time to time. The Defensible Space Ordinance includes County Code section 68.405, which says that abatement is handled pursuant to the County's Public Nuisance Abatement Procedure, Chapter 2 of Division 6 of Title 1 of the County Code, sections 16.201-16.218 ("Nuisance Abatement Procedures") as may be amended from time to time, which the District hereby adopts by reference solely for the purposes of County enforcement pursuant to the Defensible Space Ordinance and this Section.
- B. In applying the Defensible Space Ordinance to the District, the terms "County" and "Board of Supervisors" referenced in the Defensible Space Ordinance shall be interpreted to mean

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the "County" or the "District" and the "Board of Supervisors" or the "District Board or its designee," respectively, as the context requires.

- C. For as long as the District and the County have a memorandum of understanding for the County to enforce the Defensible Space Ordinance within the District pursuant to County Code section 68.403(b), the District delegates to the County the administrative and enforcement authority for the Defensible Space Ordinance and procedures set forth in the County's Nuisance Abatement Procedures. During the term of the memorandum of understanding, the County will proceed with enforcement pursuant to the County procedures, including but not limited to County's Nuisance Abatement Procedures. When such a memorandum of understanding is not in effect, the District will exercise its enforcement authority as set forth in this Chapter and in accordance with applicable state law.

Section 5.28.040 Notice to Abate Nuisance.

If it is determined that a public nuisance, as herein defined, exists on any lot or premise, or upon any sidewalk, parking or street adjacent to such lot or premise, the Fire Chief shall cause the procedures to abate such nuisance set forth in this Chapter and in accordance with applicable state law, as it may be amended from time to time, to be followed. Unless otherwise provided by this Chapter or applicable state law, such Notice shall be entitled: "NOTICE TO CLEAN PREMISES" in letters not less than one inch in length and which shall, in legible characters, direct the abatement of the nuisance and refer to this chapter and section for particulars. Notices served by means other than posting shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance thereon.

Section 5.28.050 Right of Appeal.

Within ten (10) calendar days from the date of posting, mailing or personal service of the required Notice, the owner or person occupying or controlling such lot or premise affected may appeal to the Fire Marshal. Such appeal shall be in writing and shall be filed with the Fire Marshal. Within ten (10) calendar days from the Fire Marshal's decision, the appellant may appeal the Fire Marshal's decision to the general manager. Within ten (10) calendar days from the general manager's decision, the appellant may appeal the general manager's decision to the board of directors. The board of directors shall consider the appeal of the general manager's decision at a regular meeting or regular adjourned meeting of the board, and the decision of the board shall be final and conclusive. This section shall apply unless otherwise required by this Chapter or applicable state law.

Section 5.28.060 Time Limit for Removal of Nuisance.

Unless otherwise required by this Chapter or applicable state law, it shall be the duty of the owner, the agent of the owner, or the person in possession of any lot or premise in the district within ten (10) calendar days from the date of notification as provided herein, or in case of an appeal to the board, within ten (10) calendar days from the determination thereof, unless the same is sustained, to remove the nuisance as stated.

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Section 5.28.070 Abatement of Nuisance by Fire Chief.

If the owner fails or neglects to remove the nuisance as herein defined, within the time specified in this chapter, the Fire Chief shall cause such nuisance to be abated. The abatement work may be done by district crews or by private contractor at such rates and fees as may be authorized and approved by the FAHJ and/or the general manager. An Abatement Report shall be filed with the board of directors by the Fire Chief following the abatement. This section shall apply unless otherwise required by this Chapter or applicable state law.

Section 5.28.080 Hearing: Posting of Time and Place.

Unless otherwise required by this Chapter or applicable state law, the general manager shall set the Abatement Report and account for hearing by the board of directors at the first regular or adjourned meeting and shall post a copy of said report and account and notice of the time and place of hearing in a conspicuous place at or near the entrance of the chambers of the board of directors in the Ramona Community Center.

Section 5.28.090 Hearing: Board of Directors' Decision.

The board of directors shall consider the Abatement Report and account at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested therein may present a written or oral protest or objection to the Abatement Report and account. At the conclusion of the hearing, the board of directors shall either approve the report and account as submitted, or as modified or corrected by the board. The amounts so approved shall be liens upon the respective lots or premises, and the board shall adopt a resolution assessing said amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll, and determining that such Weeds, grasses, dead trees, dead shrubs and Waste Matter constitute a public nuisance. The general manager shall prepare and file with the county auditor of the county of San Diego a certified copy of such resolution of the board. This section shall apply unless otherwise required by this Chapter or applicable state law.

Section 5.28.100 Payment Prior to Hearing.

The general manager may accept payment of any amount due at any time prior to the hearing.

Section 5.28.110 Collection of Assessments.

The county auditor shall enter each assessment in the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary district taxes; and, if delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary district taxes.

Section 5.28.120 Violation: Penalty.

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The owner, occupant or agent of any lot or premises within the district who shall permit or allow the existence of a public nuisance as defined in this chapter, upon any lot or premises owned, occupied or controlled by him or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars or to imprisonment for a period not exceeding six months, or both such fine and imprisonment.

Section 5.28.130 Discretion.

Subject to the rights of appeal as set forth in this chapter, where discretion is herein given to determine a public nuisance or reasonable probability thereof or any material question of fact herein raised, that discretion shall lie with the Fire Chief.

Section 5.28.140 State Responsibility Area.

Within the State Responsibility Area in the Ramona Municipal Water District, as defined herein, consistent with California Health & Safety Code Section 13811, responsibility for the administration of a nuisance abatement program, including but not limited to, the inspection, notification and abatement of timbered, brush, and grass-covered lands, shall lie with the State of California, Department of Fire and Forestry Protection. "State Responsibility Area" shall mean, "lands exclusive of cities and federal lands regardless of ownership, classified by the State Board of Forestry as areas in which the primary financial responsibility for preventing and suppressing fires is that of the State. These are lands covered wholly or in part by timber, brush, undergrowth or grass, whether of commercial value or not, which protect the soil from erosion, retard runoff of water or accelerated percolation, and lands used principally for range or forage purposes." The Ramona Municipal Water District shall not be responsible for the administration of a nuisance abatement program, as outlined in the preceding Sections 5.28.010 through 5.28.130 of this Legislative Code, for property located within the State Responsibility Area. Sections 5.28.010 through 5.28.130 of this Legislative Code shall apply to properties located outside of the State Responsibility Area but within the Ramona Municipal Water District.

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Chapter 6.08

PARK AND RECREATION FACILITIES

Contents:

Section 6.08.010	Definitions.
Section 6.08.020	Rules and Regulations Generally.
Section 6.08.030	Violation of Rules and Regulations Unlawful.
Section 6.08.040	Defacement.
Section 6.08.050	Firearms and Fire Hazards.
Section 6.08.060	Alcoholic Beverages Prohibited: Exception.
Section 6.08.070	Intoxication.
Section 6.08.080	Glass Bottles or Containers Prohibited: Exception.
Section 6.08.090	Unauthorized Presence.
Section 6.08.100	Operation of Vehicles.
Section 6.08.110	Speeding Violations.
Section 6.08.120	Peace Officers' Authority.

Section 6.08.010 Definitions.

Terms used in this chapter shall have the meaning designated below:

"District" means the Ramona Municipal Water District.

"Motorcycle" means any vehicle classified as a motorcycle, motor-driven cycle or motorized bicycle or moped under California Vehicle Code Sections 400, 405 or 406.

"Motor vehicle" means any vehicle classified as a motor vehicle in accordance with California Vehicle Code Sections 415 and 670.

"Public recreational facilities" means all land, improvements, and equipment owned, leased or operated by the District which are made available to the public for recreational purposes.

"Vehicle" means any device by which any person or property may be propelled, moved, or drawn, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

"Vehicle Code" means the Vehicle Code of the State of California.

Section 6.08.020 Rules and Regulations Generally.

All public recreational facilities of the district shall be used and occupied only in accordance with the rules and regulations adopted by the district from time to time. All such rules and regulations shall be adopted by ordinance and available at the district.

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Section 6.08.030 Violation of Rules and Regulations Unlawful.

It is unlawful for any person, firm or corporation to use the public recreational facilities of the district in violation of any of the district's rules and regulations governing these facilities.

Section 6.08.040 Defacement.

It is unlawful for any person, firm or corporation to deface any public recreational facilities of the district.

Section 6.08.050 Firearms and Fire Hazards.

It is unlawful for any person, firm or corporation to use, possess or discharge firearms, weapons or fireworks, or to create a nuisance or fire hazard on any public recreational facilities of the district.

Section 6.08.060 Alcoholic Beverages Prohibited: Exception.

Persons shall not consume or have in their possession any alcoholic beverages within any portion of any park facility maintained by the District, except in the cases where the Community Center or other park group has obtained permission from the District and other appropriate authorities, to serve beer and wine at approved functions.

Section 6.08.070 Intoxication.

It is unlawful for any person to be under the influence of intoxicating beverages or drugs on any public recreational facilities of the district.

Section 6.08.080 Glass Bottles or Containers Prohibited: Exception.

- A. Except as provided in subsection B of this section, no person shall possess, within a park maintained by the district, any glass bottle or container.
- B. Glass bottles or containers are permitted within the building known as the Ramona Community Center.

Section 6.08.090 Unauthorized Presence.

It is unlawful for any person, firm or corporation to remain on or re-enter public recreational facilities of the district after an authorized District officer, employee, or facility caretaker has specifically withdrawn consent for such person, firm or corporation to utilize these facilities.

Section 6.08.100 Operation of Vehicles.

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It is unlawful for any person, firm or corporation to operate a motor vehicle or motorcycle on public recreational facilities of the district except upon roads expressly marked as available for public access. It is unlawful for any person, firm or corporation to park a motor vehicle or motorcycle on any public recreational facilities of the district except in those areas specifically designated for parking. This section shall not apply to district vehicles or motor vehicles or motorcycles receiving prior written authorization from the district's general manager. This section shall not apply to a person, firm or corporation possessing a legal right to travel over a portion of the district's public recreational facilities.

Section 6.08.110 Speeding Violations.

It is unlawful for any person, firm or corporation to operate a motor vehicle or motorcycle on any district road providing access to its public recreational facilities at a speed in excess of a reasonable speed considering the nature of the road, its location, design and existing traffic conditions, and in no event in excess of posted speed limits.

Section 6.08.120 Peace Officers' Authority.

Any peace officer shall have the right to remove any motor vehicle or motorcycle violating the rules or regulations of the district, to cite or arrest any person, firm or corporation found in violation of this chapter and to exercise any other authority granted by federal, state or local law.

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Chapter 6.12

RECREATIONAL USE OF LAKE RAMONA

Contents:

Section 6.12.010	Purpose.
Section 6.12.020	General Provisions.
Section 6.12.030	Hours of Operation.
Section 6.12.040	Security: Authority.
Section 6.12.050	Access Restricted.
Section 6.12.060	Right to Deny Access.
Section 6.12.070	Fishing Permits.
Section 6.12.080	Sanitation and Maintenance.
Section 6.12.090	Rules and Regulations.

Section 6.12.010 Purpose.

To provide the residents of Ramona a scenic, clean and safe day-use recreational site offering jogging, hiking, and shoreline fishing.

Section 6.12.020 General Provisions.

All recreational activities at Lake Ramona will be day-use only. No overnight camping allowed. Visitors will be required to abide by posted rules and regulations, and restricted to recreational activities in designated areas only. The dam, pump station, spillway or other district facilities are strictly off-limits. These areas are fenced and/or posted with no trespassing signs. Violations of regulations and trespassing will be enforced.

Section 6.12.030 Hours of Operation.

Lake Ramona is open daily for public use between sunrise and sunset.

Section 6.12.040 Security: Authority.

District staff will enforce all rules and regulations, and ensuring the recreation area is clean and safe for use.

Section 6.12.050 Access Restricted.

Public access to recreational facilities at Lake Ramona will be through the Blue Sky Ecological Reserve. The entrance to the Reserve is located on Espola Road in Poway, approximately one-

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half mile north of Lake Poway. Access through the Blue Sky Ecological Reserve is controlled by the State of California Department of Fish and Game, and City of Poway. Rules and regulations governing activities are posted at the entrance of the Blue Sky Ecological Reserve and at the entry gate to Lake Ramona on the access road just south of the Dam.

Section 6.12.060 Right to Deny Access.

The district reserves the right to deny access to individuals who fail to follow Lake Ramona rules and regulations. Offending guests may be asked to leave the premises by authorized personnel. It is unlawful to remain on the premises when asked to leave.

Section 6.12.070 Fishing Permits.

A fishing license is required. Fishing licenses can be purchased at most sporting goods stores.

Section 6.12.080 Sanitation and Maintenance.

A portable toilet and trash receptacles are located at the top of the dam.

Section 6.12.090 Rules and Regulations.

Lake Ramona is open daily for public use during the hours from sunrise to sunset. The following rules apply:

- A. Hiking and jogging is restricted to established trail areas and the reservoir access road. The District's pump station and dam operating control buildings are off-limits, and visitors must keep off the rocks and stair-steps at the dam.
- B. Unauthorized motor vehicles are not allowed in the Lake Ramona Recreation Area. **Violators will be prosecuted.**
- C. Swimming, wading, float-tubes, rafting, or boating is not allowed in the lake.
- D. Glass containers are not permitted in the recreation area.
- E. A portable toilet is located at the top of the dam for public convenience. Please use this facility as necessary.
- F. Campfires, open fires or barbecues are not allowed.
- G. Fireworks are not allowed.
- H. Hunting is not allowed. **Possession or discharge of firearms, air guns, or archery equipment is unlawful and strictly prohibited.**

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- I. Consumption or possession of alcoholic beverages is not allowed. It is unlawful for any person to be under the influence of intoxicating beverages or drugs at Lake Ramona.
- J. Shoreline fishing allowed in designated areas only. **State of California fishing license is required.** No fishing from rocks or steps of the dam. Please access fishing areas only from designated trails. Do not leave bait, bait containers, fishing tackle or litter. Please clean fish at home.
- K. All pets must be leashed and are prohibited from entering the lake waters.
- L. The District reserves the right to deny access to individuals who fail to follow Lake Ramona rules and regulations. Offending guests may be asked to leave the premises by authorized personnel. It is unlawful to remain on the premises when asked to leave.

Please be a responsible and courteous visitor. By adhering to the rules established above, and using common sense, you will be ensuring the public's privilege to continue the use and enjoyment of Lake Ramona.

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Chapter 7.02

MISSION STATEMENTS

Contents:

Section 7.02.010 **Water Operations Department Minimum Standards for Operations.**
Section 7.02.020 **Sanitation Operations Department Minimum Standards for Operations.**

Section 7.02.010 **Water Operations Department Minimum Standards for Operations.**

The mission of the water department is to provide all essential services that ensure a safe and uninterrupted supply of water to the community:

- A. To secure and safeguard District facilities;
- B. To meet all regulatory requirements;
- C. To improve upon, wherever possible, operating practices that benefit the consumer and extend life of facilities;
- D. To predict and resolve system failures;
- E. To perform preventive maintenance;
- F. To coordinate water supply and storage in a cost effective manner;
- G. To ensure revenues through active meter maintenance;
- H. To manage the budgetary resource responsibly;
- I. To train personnel in the best methods of accomplishing work in the safest possible manner.

Section 7.02.020 **Sanitation Operations Department Minimum Standards for Operations.**

- A. Acquire and maintain resources to:
 - 1. Maintain back-up power generating capacity to operate strategic sewage pumping and treatment facilities;
 - 2. Manage a cost-effective mix of district, private contractor equipment, and communications as authorized by board to get the job done;

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3. Comply with wastewater discharge permit.
- B. Maintain a level of competence by including necessary annual training of staff and periodic assessments of all equipment, and safety practices;
1. Maintain a reasonable stock of spare parts, motors, pumps and materials on site.
- C. Respond to emergencies affecting any of the sanitation facilities to:
1. Preserve the health and safety of the community of Ramona and those downstream of the collection and treatment facilities;
 2. Protect the facilities;
 3. Maintain the service.

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Chapter 7.04

WATER SYSTEM RULES AND REGULATIONS: GENERAL

Contents:

Section 7.04.010	Standard Specifications and Drawings Adopted.
Section 7.04.015	Placement of Water Facilities in Road Right-of-Way.
Section 7.04.020	Service Connection Placement.
Section 7.04.030	Water Use.
Section 7.04.040	Owner and District Property Responsibilities.
Section 7.04.050	District's Right of Inspection and Access.
Section 7.04.060	Damages to District Property.
Section 7.04.070	Liability for Damages.
Section 7.04.080	Unauthorized Regulation of Water.
Section 7.04.090	Interruption of Delivery.
Section 7.04.100	Appeal Procedure.
Section 7.04.120	Assessment Districts: Fund Allocation of Connection Charges.
Section 7.04.130	Water Delivery Pressure: Fixed Policy.
Section 7.04.140	Water Shortage Contingency Plan.
Section 7.04.150	Separate Meters Required.
Section 7.04.160	Meter Malfunctions.

Section 7.04.010 Standard Specifications and Drawings Adopted.

The District shall use the Water Agency Standards Committee Standard Specifications for Potable Water, Recycled Water and Sewer Facilities which includes standard specifications, standard drawings and an approved materials list for the installation and construction of all facilities which are to become part of District's water, recycled water and sewer systems. The District Engineer is authorized to participate in the Water Agencies Standards Committee and make such modifications and additions thereto as may be reasonably required from time to time consistent with sound engineering practices.

Section 7.04.015 Placement of Water Facilities in Road Right-of-Way.

This section establishes the policy of placing water facilities in road right-of-way and addresses above ground water facilities in particular the placement of fire hydrants and air vacuum valves in County of San Diego (County) and State of California (State) road right-of-way.

- A. California State Law provides for municipal water districts to place water facilities in city, county and state roads and city, county and state agencies may not deny the District's request to install water systems.
- B. Pipelines in County and State road right-of-way shall have appropriate permitting, such as encroachment and excavation permits, and work in public right-of-way

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shall be done in accordance with the requirements of the permit issued by the public agency.

- C. The District is entitled to a blanket permit issued by the County, renewable annually, for the installation of its service connections and for ordinary maintenance of its facilities located or installed in County roadways.
- D. The District may excavate a County highway without a permit in cases of emergency requiring immediate action; but in such cases, the County highway shall, at the expense of the District, be replaced in as good a condition as it was prior to such excavation.
- E. The County issues permits for all County maintained roads, but not for private roads or for private roads that are under an "irrevocable offers to dedicate" which have not been accepted by the County (i.e. the "Ramona Acres").
- F. Placement of above-ground water facilities shall be in conformance with County Public Road Standards, Water Agency Standards, San Diego Area Regional Standards, California Department of Transportation Highway Design Manual, and the Fire Code. Some situations will arise, where the available road right-of-way may be insufficient or the road cross-section may include deep cuts and high fills, that may make meeting these standards impractical and in such cases engineering judgment must prevail using the philosophy of placing obstacles as far away from the traveled way as practical.
- G. State, County and District Fire Codes require that fire hydrants have at least 3 feet clearance all the way around for access, and that the fire hydrants be protected from vehicular impact. The Fire Codes specify in detail the guard posts and requires that if other barriers are used they must with stand 12,000 pounds applied at 3 feet above the ground. Also, the codes provide that fire hydrants shall be installed as required by the Fire Chief.
- H. Placement of fire hydrants and the need for guard posts shall be reviewed and approved by the Fire Chief or a designated representative. If at all possible, guard posts will be avoided or placed as far from the travel way as possible within the road right-of-way. Records will be maintained with the number of times an above-ground facility is hit and action taken to reduce the risk of the facility being hit.

Section 7.04.020 Service Connection Placement.

Service connections and meters shall be located on a public right-of-way or District easement.

Section 7.04.030 Water Use.

- A. Customers may not use water upon any tract of land other than that covered by his application for service.

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- B. The District encourages all methods and procedures for water conservation. No customer shall knowingly permit leaks or waste of water.
- C. All water used must be through meters furnished by the District, and the District does not undertake to deliver water under uniform conditions of pressure throughout its service area.
- D. No District water shall be served or transported outside District boundaries without board approval.

Section 7.04.040 Owner and District Property Responsibilities.

All service connections, including meters, gate valves, meter boxes, backflow preventers, pressure regulators and check valves, up to and including the meter shall be and remain the property of the District. The District shall be responsible for normal maintenance, repair, and replacement. District facilities shall only be operated by District employees.

The customer shall install, or make arrangements for the installation of his own operating valve, backflow preventers, pressure regulators, and any other water apparatus placed on the discharge side of the meter. The District reserves the right to regulate the size, type and location of each meter and service. The charges for meter installation of various sizes includes a customer shut-off valve installed on the customer's side of the meter. The maintenance, repair, operation and replacement of the customer shutoff valve is the responsibility of the customer.

Section 7.04.050 District's Right of Inspection and Access.

The officers, employees and agents of the District shall have access at reasonable hours, upon presentation of District identification, to all outdoor and indoor premises supplied by the District to inspect the customers system, meters, backflow preventers, pressure regulators and anti-siphoning devices or other water apparatus.

Section 7.04.060 Damages to District Property.

Any damage occurring to a meter or other appurtenances, pipes or any property of the District must be paid for by the person or persons responsible for the damage.

Section 7.04.070 Liability for Damages.

District has no liability to any customer for damages resulting from interruption of service, failure to deliver any particular quality or quantity of water, or fluctuations in the pressure at which water is delivered.

Section 7.04.080 Unauthorized Regulation of Water.

No person, except duly authorized employees of the District, will be permitted to connect or disconnect the customer's service, to turn the water on or off, or open or close any gate valve or

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other device for regulating the flow or measurement of water on the District's pipelines or facilities.

Section 7.04.090 Interruption of Delivery.

In case of necessity, water occasionally may be shut off from the District's system; however, District will attempt to minimize the duration of such stoppage. Except in the case of emergency, the District will attempt to notify the customer of stoppages in advance.

Section 7.04.100 Appeal Procedure.

In the event a dispute arises, appeal may be made to the general manager regarding a decision made by Ramona Municipal Water District staff. If satisfaction is not obtained by the appellant, appeal may be made to the Board of Directors. Any customer may dispute a bill for charges of the Ramona Municipal Water District or request an investigation within five (5) days of receipt of the disputed bill. The date of receipt of any bill so disputed shall be conclusively deemed to be twenty-one (21) days after the date of mailing. Any such dispute or request for investigation must be submitted in writing and must be received by the District within a total of twenty-six (26) days of mailing of the disputed bill or may be rejected as untimely. Review of the complaint or investigation shall be conducted by the general manager or his designee. Appeal to the Board of Directors of any decision of the general manager or his designee regarding a complaint or investigation must be submitted in writing within fifteen (15) days of the actual date of mailing of the decision. In all cases of appeal to the Board of Directors, prior appeal must have been heard by the general manager or his designee. The decision of the Board of Directors on any disputed matter is final.

Section 7.04.120 Assessment Districts: Fund Allocation of Connection Charges.

Upon receipt, the assessment district connection charges shall be deposited in the funds specified as follows:

- A. If the connection for water service is proposed to be made to any of the water improvements wholly or partially financed by a contribution of the District to the assessment district, then the pro-rata portion of the connection charge attributable to the contribution shall be deposited in the water fund of the District.
- B. If the connection for water service is proposed to be made to any of the water improvements which have been oversized at the cost of the District, then the pro-rata portion of the connection charge attributable to the over sizing shall be deposited in the water fund of the District.
- C. The portion of the connection charge remaining after deducting the amounts specified in subsections A and B of this section shall be deposited in the redemption fund of the assessment district; provided, however, if all bonds in the assessment district have been paid, then said portion of the connection charge shall be deposited in the water fund of the District.

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Section 7.04.130 Water Delivery Pressure: Fixed Policy.

The Ramona Municipal Water District shall endeavor to provide water service at a pressure of not less than twenty pounds per square inch at the meter and if the customer requires more pressure, they shall do so at their own expense and responsibility.

Section 7.04.140 Water Shortage Contingency Plan.

- A. The water shortage contingency plan is adopted and ordered filed with the Ramona Municipal Water District.
- B. The general manager is authorized and directed to file this plan with the California Department of Water Resources.
- C. The general manager is authorized to declare a water shortage emergency and implement this water shortage contingency plan.
- D. The general manager shall recommend to the Board of Directors regarding additional procedures, rules and regulations to carry out effective and equitable allocation of water resources during a water shortage.

Section 7.04.150 Separate Meters Required.

Not more than one parcel (with a unique Assessor's Parcel Number (APN)) shall be supplied through one water meter except as provided in this section. Delivery of District water by one owner of a parcel with a meter service to another parcel in violation of this code shall terminate the right of the meter service; notice will be given and water service may be discontinued, until the violation is corrected.

- A. Two or more occupancies on a single parcel may be served.
- B. Where two or more occupancies on one parcel are supplied through one meter and a division of the ownership of the parcel through a transfer of title takes place, a separate meter is required for each parcel and shall be provided at the customer's expense.
- C. Homeowners' associations for condominium or townhouse developments may supply their members through one meter where the homeowners' association is empowered to contract for utilities. Any such homeowners' association must receive prior approval from the District before serving its members through one meter.
- D. Contiguous Parcels under agricultural use by a single owner may be served by a single meter. If a division of the ownership through a transfer of title takes place, a separate meter for each parcel under different ownership must be provided at the customer's expense.

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- E. Other exceptions to the requirements of this Section A may be granted as deemed appropriate by the Board of Directors of the District on a case-by-case basis.

Section 7.04.160 Meter Malfunctions.

- A. **Meter Failure.** If a meter fails to register water flow, an estimated bill shall be rendered. The customer will be billed for estimated use as follows:
 - 1. If the meter has been in use for more than one year, the billing shall be for the amount used during the same period in the preceding year.
 - 2. If the meter has been in use less than one year, the billing shall be for the amount used in the immediately preceding period in which the meter functioned.
 - 3. If District staff has cause to believe that the preceding estimating methods are inaccurate due to factors such as changes in land use, dwelling units, number of occupants, climatic condition or other historic water use patterns, District reserves the right to adjust the estimated usage either upward or downward.
 - 4. All bills which are estimated shall be so indicated on the billing sent to the customer.
- B. **Meter Accuracy.** A meter suspected of improper operation may be tested for accuracy. An estimate of the actual water flow may be made in the event a meter is found to be inaccurate. The customer will be billed for estimated uses as follows:
 - 1. A customer may request that a meter be tested for accuracy. The customer may request an independent test in which case all costs of the test will be assumed by the customer. The customer may request the District to perform the test. If the District is to perform the test, a deposit representing the cost to test a meter, shall be placed with the District to cover the cost of the test. The deposit shall be by meter size as follows:
 - a. One inch and smaller, fifty dollars;
 - b. One and one-half inch and two inch, seventy-five dollars;
 - c. Over two inch, estimate prepared by District staff.
 - 2. If it is found that the meter does not register within an allowable three percent of the actual flow, another meter will be installed by the District, the deposit returned to the customer, and an upward or downward adjustment made to the customer bills to reflect the actual flow for the preceding twelve months.

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3. If it is found that the meter registers within an allowable three percent of the actual flow, the deposit will be retained by the District, and no adjustment will be made to the customer account.
 4. The District may initiate meter tests for accuracy. If it is found that a meter is reading inaccurately, the same adjustments to the customer bill will be made as described in subdivision 2 of this subsection.
- C. Appeal. A customer who is unable to resolve a dispute with the district staff over the appropriate application of the above procedures shall have the right of appeal to the District's Board of Directors.

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Chapter 7.08

WATER SYSTEM FAILURE

Contents:

Section 7.08.010	Purpose.
Section 7.08.020	Findings.
Section 7.08.030	Authority of General Manager.
Section 7.08.040	Authority of General Manager's Designee.
Section 7.08.050	Emergency Board Meeting.
Section 7.08.060	Violation: Penalty.

Section 7.08.010 Purpose.

Water Code Sections 71640 et seq., authorize the district to impose water conservation measures and to restrict the use of water during a threatened or existing water shortage. If a failure were to occur in any portion of the district's water supply system, or in any portion of another agency's system providing water to the district, from any cause, the district may be unable to provide adequate water service to its customers until the failure was corrected. This chapter is intended to give the general manager, or his designee, authorization to manage the water system and available water supply in the event of a failure of the district's water supply system, or any system providing water to the district, including the express authority to declare a temporary moratorium on outside water usage and to limit or curtail agricultural and golf course use of imported water for irrigation purposes until service is restored.

Section 7.08.020 Findings.

The board of directors of the district finds and determines that an emergency may exist as a result of the failure of any portion of the district's water supply system, or of any system providing water to the district, requiring prompt action to protect the district's water supply for human consumption, sanitation and fire protection purposes until the failed system is repaired. The board of directors of the district finds and determines that without prompt action there will be insufficient water for human consumption, sanitation and fire protection purposes, thereby impairing the health and safety of the district's customers.

Section 7.08.030 Authority of General Manager.

In the event of a failure of any portion of the district's water supply system, or any system providing water to the district, from any cause, the general manager is authorized to take all actions determined necessary by the general manager to manage the water system and available water supply including, but not limited to, curtailment of agricultural users and golf courses using imported water for irrigation purposes and to declare a moratorium prohibiting all outside watering until the system has been repaired. The general manager is further authorized to take all actions necessary to allocate the available water supply among the district's

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customers and to restore service at the earliest possible time, including the authority to spend funds determined necessary by the general manager to restore service. The general manager shall contact the president of the board of directors if possible before declaring a temporary moratorium and obtain approval of the president of the board of directors of the district for this action. The general manager or his representative shall notify as many newspapers, radio stations, and television stations as possible concerning all actions taken by the general manager to restrict or allocate the use of water and shall post notices of actions taken to restrict the use of water in as many public places as possible. The general manager or his representatives shall maintain a list of all persons the general manager or his representatives notified or attempted to notify. Upon restoration of the district's water supply system, the general manager shall have the authority to terminate the moratorium.

Section 7.08.040 Authority of General Manager's Designee.

In the event the general manager is absent or unavailable during any failure of the district's water supply system, or any system providing water to the district, all powers granted to the general manager by Section 7.08.030 shall be exercised by the general manager's designee.

Section 7.08.050 Emergency Board Meeting.

The president of the board of directors of the district shall call an emergency or special meeting of the board of directors as soon as possible after discovery of the failure in the water supply system for the purposes of receiving a report from the general manager, or his designee, on the status of the failure and any actions taken by the general manager, or his designee, and to authorize any additional actions determined appropriate by the board of directors.

Section 7.08.060 Violation: Penalty.

Any person, corporation or association who violates any limitation or restriction on water service adopted by action of the general manager, or his designee, shall be guilty of an offense and, upon commission, shall be punished by imprisonment in a county jail for not more than thirty days or by a fine not to exceed six hundred dollars, or by both. In addition, water service to any district customer violating emergency measures imposed in accordance with this chapter, after receiving one warning notice posted at the customer's address, may be subject to termination of service or restrictions on further service until the failure has been repaired and service restored.

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Chapter 7.12

LOCAL WATER SERVICE BENEFIT AREAS

Contents:

Section 7.12.010	Purpose of Provisions.
Section 7.12.020	Resolution of Intention to be Adopted.
Section 7.12.030	Boundary Map to be Adopted.
Section 7.12.040	Filing of Map.
Section 7.12.050	Endorsement on Map.
Section 7.12.060	Public Hearing: Notices.
Section 7.12.070	Public Hearing: Procedure.
Section 7.12.080	Resolution of Formation to Establish Area.
Section 7.12.090	Use of Connection Charges.
Section 7.12.100	Payment of Connection Charges.
Section 7.12.110	Terms and Conditions of Payment.
Section 7.12.120	Exemption for Connection Charges.
Section 7.12.130	Modification of Connection Charges.
Section 7.12.140	General Benefit Improvements: Connection Charges.

Section 7.12.010 Purpose of Provisions.

- A. Public Interest and Convenience. The public interest and convenience require certain local benefit improvements be constructed from lawfully available revenues of the district and that the cost thereof be collected from property owners benefiting therefrom by the imposition of connection charges for water service.
- B. Lawfully Available Funds. The board of directors shall have discretion to pay any portion of the cost of construction of the local benefit improvements from any lawfully available water revenues of the district.

Section 7.12.020 Resolution of Intention to be Adopted.

Prior to establishing an area of local benefit and connection charges therein to reimburse the district for the cost of installation of local benefit improvements, the board of directors shall adopt a resolution of intention. The resolution shall:

- A. State that an area of local benefit is proposed to be established under the ordinance codified in this chapter;
- B. State the name proposed in substantially the following form: "Area of Local Benefit No. ____";

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- C. Describe the improvements which will benefit the lands within the area of local benefit;
- D. Describe the boundaries of the area of local benefit by reference to an approved boundary map on file with the secretary;
- E. Set forth the maximum connection charges to be established and the terms and conditions for payment thereof;
- F. Make findings in substantially the following form:
 - 1. That the local benefit improvements are of direct and special benefit to each parcel of property within the area of local benefit, and
 - 2. That the costs and expenses attributable to the local benefit improvements including interest thereon and administrative expenses in connection therewith are a lawful charge as a condition to water service within the area of local benefit;
- G. Fix a time and place for a public hearing on the establishment of the area of local benefit and the adoption of the connection charges which shall not be less than thirty nor more than sixty days after adoption of the resolution of intention.

Section 7.12.030 Boundary Map to be Adopted.

Prior to adoption of the resolution of intention, the board of directors shall adopt a resolution preliminarily approving a map showing the boundaries of the area of local benefit and the general location and extent of the local benefit improvements. The map shall be entitled: "Proposed Boundary Map Area of Local Benefit No. ____"

Section 7.12.040 Filing of Map.

The map of the local benefit area shall be filed in the office of the secretary and shall be available for public inspection.

Section 7.12.050 Endorsement on Map.

The secretary shall endorse on the original of the map of the local benefit area a certificate evidencing the date and adoption of the resolution of approval.

Section 7.12.060 Public Hearing: Notices.

Notice of the public hearing shall be given by the secretary in the time, form and manner specified as follows:

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- A. Notice shall be given by mail, first class and postage prepaid, to each owner of property within the boundaries of the area of local benefit as their names and addresses appear on the last equalized county assessment roll.
- B. Notice shall set forth the time, place and purpose of the public hearing and shall include a copy of the resolution of intention.
- C. Notice shall be mailed to the owners of property not less than fifteen days nor more than thirty days prior to the public hearing.

Section 7.12.070 Public Hearing: Procedure.

During the public hearing, the board of directors shall receive and consider testimony from any interested person material to the subject thereof. The public hearing may be continued from time-to-time but shall be concluded within sixty days.

Section 7.12.080 Resolution of Formation to Establish Area.

If the board of directors so determines, it shall adopt a resolution of formation establishing the area of local benefit. The resolution of formation shall set forth:

- A. All information required to be included in the resolution of intention;
- B. Determination that all prior proceedings were valid and in conformity with the requirements of this chapter;
- C. Determination to establish the boundaries of the area of local benefit and to adopt the connection charges and terms and conditions of payment;
- D. Findings in substantially the following form:
 - 1. That the connection charges are reasonably necessary to pay the cost of the local benefit improvements and do not constitute a "special tax" within the meaning of Article XIII A of the California Constitution,
 - 2. That the connection charges are reasonably necessary to pay the cost of the local benefit improvements and are not subject to the "appropriation limitations" provided in Article XIII B of the California Constitution,
 - 3. That the connection charges have been fixed to yield an amount sufficient to pay the cost of local benefit improvements including interest on moneys advanced by the district and administrative expenses incurred by the district, and
 - 4. That the connection charges do not exceed the estimated reasonable cost of providing water service in the area served by the local benefit improvements pursuant to Section 54991 of the Government Code.

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Section 7.12.090 Use of Connection Charges.

The connection charges specified in the resolution of formation shall be deposited in the district water fund immediately upon receipt thereof.

Section 7.12.100 Payment of Connection Charges.

Unless paid pursuant to Section 7.12.110 the connection charges shall be paid to the district at the earlier of either of the events specified as follows:

- A. As a condition to approval of any land division; or
- B. As a condition to occupancy of any structure.

Section 7.12.110 Terms and Conditions of Payment.

The board of directors may adopt rules and regulations providing for the payment of connection charges over a period of time not to exceed five years at an interest rate not to exceed the maximum interest rate allowed under law on obligations of the district.

Section 7.12.120 Exemption for Connection Charges.

If any water main is replaced, relocated or extended, any metered connection to such water main existing at the time of such replacement, relocation or extension, which is replaced in kind, shall be exempt from the payment of any connection charge under this chapter.

Section 7.12.130 Modification of Connection Charges.

After formation of any area of local benefit, the board of directors shall have discretion to reduce, increase or otherwise modify the connection charges therein, due to a change in circumstances not reasonably anticipated at the time of formation. The connection charges may be modified as follows:

- A. If the board of directors intends to increase any connection charges, such increase shall not be adopted unless and until the board of directors has provided notice and held a public hearing pursuant to Sections 7.12.060 through 7.12.080.
- B. If the board of directors intends to reduce any connection charges, such reduction may be adopted without notice or public hearing pursuant to Sections 7.12.060 through 7.12.080.

Section 7.12.140 General Benefit Improvements: Connection Charges.

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This chapter shall not apply to the imposition and collection of connection charges for general benefit improvements. Such connection charges may be imposed and collected in the time, form and manner provided by law.

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Chapter 7.16

WATER METER FEES

Contents:

Section 7.16.005	Definitions.
Section 7.16.010	Water Capacity Fees.
Section 7.16.030	Meter Installation Fees and Deposits.
Section 7.16.035	Water Capacity Fee and Connection Fee and Deposit
Section 7.16.040	Preliminary Water Service Application Fee.
Section 7.16.050	San Diego County Water Authority Fee.
Section 7.16.060	Reimbursement and Assessment District Fees and Charges.
Section 7.16.070	Construction Meters.

Section 7.16.005 Definitions.

See Chapter 7.28 “Water Service Application and Metering”, Section 7.28.010 “Definitions”.

“Meter Equivalent Unit” or “MEU” – correlates meter diameter sizes for meters 1-inch and above to a ¾-inch water meter. The District uses meter ratios from Table B-2 of the American Water Works Association (AWWA) from AWWA’s Manual M1 “Principles of Water Rates, Fees and Charges”, 7th edition.

“Water Capacity Fee” is a one-time charge paid by a new water system customer for water system capacity or by existing customers requesting increased system capacity by requesting a larger diameter water meter. The purpose of this charge is to pay for a portion of the facilities that were previously constructed by existing District customers.

“Water Connection Fee and/or Deposit” is a charge that reimburses the District for the costs to physically connect the water customer to the District water system. These costs include the water meter installation fee, the meter and lateral installation deposit and an application fee. The application fee includes labor costs to process the application. The meter only installation fee includes the cost of the purchased water meter and labor costs. The meter and lateral installation deposit includes the cost of the purchased water meter, labor and equipment costs, materials costs and other ancillary costs required when installing a service lateral, meter, meter box and ancillary materials to supply water to a customer.

“Water Storage Zone Capital Improvement Fee” is a charge for construction of storage tanks. These fees are a one-time charge paid by a new water system customer for water storage capacity or by existing customers requesting increased system and storage capacity by requesting a larger diameter water meter. This charge is specific to pressure zones served by the affected storage tanks.

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Section 7.16.010 Water Capacity Fees.

RMWD Meter Capacity Charge

Meter Size	AWWA Ratio (MEU)	Meter Capacity Charge
¾ inch	1.0	\$6,546
1 inch	1.7	\$10,910
1 ½ inch	3.3	\$21,819
2 inch	5.3	\$34,910
3 inch	11.7	\$76,367
4 inch	21.0	\$137,460
6 inch	43.3	\$283,647
8 inch	93.3	\$610,933
10 inch	140.0	\$916,399
12 inch	176.7	\$1,156,409

Section 7.16.030 Meter Installation Fees and Deposits.

The following water service meter installation fees are for a drop in meter only installation.

Meter Size	Drop In Meter Only Fee
¾ inch	\$1,014
1 inch	\$1,390
1 ½ inch	\$1,985
2 inch	\$2,287

For lateral installations the following deposit shall be made and may be increased based on actual costs and overheads. Deposit amounts not used will be refunded.

Meter Size	Lateral Meter Installation Deposit
¾ inch	\$3,882
1 inch	\$4,258
1 ½ inch	\$4,853
2 inch	\$5,164

The customer shall arrange for and pay for all permits and inspections performed by other agencies. If the District pays for any permits and inspections by other agencies the customer shall reimburse all costs associated with obtaining these permits to the District.

Section 7.16.035 Water Capacity Fee and Connection Fee and Deposit

The amounts established by Sections 7.16.010 and 7.16.030 shall be reviewed and modified, if necessary, at least every (5) five years by the Board of Directors.

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Section 7.16.040 Preliminary Water Service Application Fee.

All requests for water service (new, changes, or approval of County of San Diego Clearance Form), including “drop in meter only”, require executing a “Preliminary Water Service Application” and payment of a \$230 fee. This fee covers the cost of the District determining if there is a need for a “Water System Evaluation”, to make a site inspection, and prepare cost and fee information for installing the requested water service.

Section 7.16.050 San Diego County Water Authority Fee.

The District will collect the appropriate San Diego County Water Authority (SDCWA) Fees when issuing a water meter, based on the most recently issued Capacity Charge Table issued by SDCWA. In the case where a larger meter is being requested SDCWA code provides that their fees be charged only for the increase in capacity of the meter above the capacity of the existing meter. SDCWA fees apply to treated water and untreated water meters, but not to recycled water meters.

Section 7.16.060 Reimbursement and Assessment District Fees and Charges.

- A. Any funds to be collected due to reimbursement agreements or assessments shall be collected at the same time as the water service connection fees.
- B. No parcel of land located outside of an assessment district shall be connected to water improvements financed by an assessment district, unless and until the owner of such parcel of land has completed a “Water System Evaluation” and paid a connection charge, as a condition to receiving water service, in an amount computed as follows:
 - 1. The amount of assessment which would have been levied on such parcel of land if such parcel of land had been included in the assessment district at the time of formation; and
 - 2. The interest on the amount specified in subsection A of this section at the rate charged for bonds issued representing unpaid assessments in such assessment district computed from the date of such bonds to the date of connection to the water improvements.

Section 7.16.070 Construction Meters.

Construction meters are issued at the main office of the District and use shall conform to the following:

- A. A "construction meter" is any meter connected to a fire hydrant for temporary use (typically three-inch turbine hydrant meter). Application for construction meter service shall be made twenty-four hours prior to need. Meter requests received on a Friday will be processed on the following Monday.

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- B. A construction meter will not be issued until the customer has completed the District "Application for Construction Meter," and has received from the District a copy of the "Construction Meter Policy."
- C. A security deposit of twelve hundred dollars (\$1,200) to cover damages or loss to the meter and the fire hydrant connections will be held by the district for each construction meter issued.
- D. Payment of all fees will be in advance.
- E. Administrative and account setup fee will be twenty dollars (\$20), collected at time of application.
- F. Daily rental rate is one dollar seventy-five cents (\$1.75).
- G. Damages to a repairable construction meter will be charged to the user at the District's current rate for time and materials, plus fifteen percent (15%) to cover administrative costs. If the meter is lost or stolen, the user will be required to reimburse the District for the actual costs of a new construction meter. Any problem with the operation of the meter is to be reported to the District for repair or replacement. Customer will not dismantle, repair, or tamper with the meter or service.
- H. Any action deemed appropriate to correct violations related to the use of a construction meter may be taken by District staff; including, but not limited to: written notifications, forfeiture of deposit and/or meter, and/or refusal of future requests for the use of a construction meter.
- I. Water usage will be charged at the current special projects rate per one hundred cubic feet as adopted by the Board of Directors.
- J. Construction meters must be brought to the main office between the hours of 7:30 a.m. through 4:00 p.m. the last Wednesday of each month for reading and examination or the usage will be estimated at the highest usage or 500 units, whichever is greatest. If the meter is not returned at the designated time, construction meter privileges will be revoked.
- K. Construction meter may not be used for delivery of water outside of district boundaries without written permission from the general manager (fire fighting water excluded).
- L. Water drawn through a construction meter for interim household use is forbidden at all times. Construction meter is not to be used as a substitute for domestic water source; for agricultural purposes; or to fill lakes, ponds and/or swimming pools. The General Manager, or his or her designee, can authorize use of a construction meter and temporary piping to provide emergency residential or commercial supply if the General Manager or designee determines that providing this service on a temporary basis is feasible.
- M. Customer is responsible for all water delivered through their assigned meter.

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- N. Customer must comply with requirements of all District ordinances and policies in effect at the time of application, subject to change with thirty days notification.
- O. The District reserves the right to terminate water service at any time, without notice, in matters of misuse, harm to district facilities, interference with the public water supply, failure to notify of any change in use or any failure to comply with other provisions of this policy.
- P. Any unpaid charges owed to the District will be deducted from the security deposit when the account is closed. Amounts unpaid in excess of the deposit will be billed to the customer applying for the construction meter. Refunds will be made in accordance with District policy.
- Q. All water trucks shall be equipped with suction-break filling system.
- R. Customers must furnish compatible meter outlet adapters.
- S. Approved spanner hydrant wrenches shall be used to turn on fire hydrant.
- T. Meter is to be connected to water source authorized by District.
- U. If water is taken without using the construction meter, District will immediately confiscate the meter and the full security deposit will be forfeited and the customer may be subject to criminal prosecution in addition to the loss of meter and deposit.

Chapter 7.28

WATER SERVICE APPLICATION AND METER SIZING

Contents:

Section 7.28.010	Definitions.
Section 7.28.020	Applying for Water Service.
Section 7.28.025	Capacity Fee Installment Payment Program.
Section 7.28.030	Determination of Meter Size.
Section 7.28.040	New Water Service.
Section 7.28.045	Out-of-District Water Service.
Section 7.28.050	Abandoned Water Service.
Section 7.28.060	Relocating Water Service.
Section 7.28.070	Down-sizing Water Service.
Section 7.28.080	Up-sizing Water Service.
Section 7.28.085	Allocation of Existing Water Service for Subdivisions.
Section 7.28.090	Meter Modification Due to Exceeding Meter Flow.
Section 7.28.100	Water Service Installation.

Section 7.28.010 **Definitions.**

As used in this chapter:

"Abandoned service" means discontinuation of metered water service and removal of the meter by the District which may include complete removal of the lateral.

"Accessory Dwelling Unit" ("ADU") means a habitable living unit (fixed or mobile) added to, created within, or detached from a single-family dwelling unit that provides the basic requirements for living, sleeping, and sanitation, typically referred to as a "granny flat" or "guest house".

"Application for Water Service" is a document used by the District to detail the costs and charges for new or changed water service and establish a Customer account. The application is executed by the Owner and District. Only one new or changed water service is allowed per application.

"Application for Water System Evaluation" is a document created by the District and executed by the Owner or any interested party, individual, partnership, corporation or other legal entity requesting an evaluation of the District's water system needed to serve a parcel(s). The evaluation is typically used to determine what Water Facilities are required and the cost to provide water to a parcel or development.

"Board" or "Board of Directors" means the governing body of the Ramona Municipal Water District.

"Continuous Flow" refers to the flow that results from irrigation or process water use that lasts for long durations, usually five to fifteen minutes or more. It is the upper limit of continuous flow through a water meter that will impact the accuracy of or damage the internal workings of a water meter.

"County of San Diego Clearance Form" is a document the County of San Diego (County) requires the Owner to submit to the District for signature to indicate that the parcel(s) in question has appropriate water service. The parcel may be adding tenant improvements, new buildings, ADU, etc. The District evaluates the request as if it were an application for new or changes in water service. Also referred to as "Agency Clearance Form".

"Customer" means the name on the current account for the metered water service.

"Development" means a single parcel or multiple parcels that are being improved by the addition of changes or improvements to the land (e.g. new structures, subdivisions, water/sewer hookups, etc.).

"Distribution Water Lines" are typically 8-in, 10-in and 12-in in diameter and are the supply lines for water service connections.

"District" means the Ramona Municipal Water District (RMWD).

"District Engineer" means the executive-in-charge of engineering or designated representative.

"Drop-in service" means a "meter-only" installation.

"Dwelling Unit" means any structure (fixed or mobile) designed and used for residential occupancy, is a habitable living unit that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

"Fixture Unit" is a measure of the demand on the water supply by a plumbing fixture. The fixture unit value for a particular fixture is as defined and specified in the latest edition of the Uniform Plumbing Code (UPC).

"Intermittent flow" refers to the flow that results from numerous fixture units and incorporates a probability that all fixtures will not be in use at the same time and that the flow is of short duration, usually a few minutes. It is the upper limit of intermittent flow through a water meter that will impact the accuracy of or damage the internal workings of a water meter.

"General Manager" means the executive officer of the District or designated representative.

"gpm" is gallons per minute.

"Line Extension" means a reach of water line required to serve a parcel(s) starting at the nearest appropriate water line as determined by the District and continuing across the subject parcel(s).

"Metered Water Service" means water service that is delivered through a device (meter) that measures water delivered to a parcel from District facilities.

"Metropolitan Water District of Southern California" (MWD) is the wholesale water provider to the San Diego County Water Authority.

"Owner" means an individual, partnership, corporation or other legal entity holding title to a parcel within the District's Water Service boundary.

“Out-of-District” Water Service refers to a water service that is outside the District Boundary but within SDCWA and MWD boundaries for which an interagency agreement has been executed and approved by San Diego County Local Agency Formation Commission (LAFCO), if required, to service the “Out of District” Water Service. See Chapter 7.60 for parcels that are “Out-of-District” but eligible for annexation.

“Parcel” means a contiguous area of land defined by a unique assessor’s parcel number (APN).

“Planned Community” means a residential development that has built all water system infrastructure improvements, including pipelines, pump stations and tanks, required to serve the parcels in the development.

“Preliminary Application for Water Service” is a document used by the District and signed by the Owner to initiate a request for water service, and to have the District determine what fees, charges, and conditions must be met before an “Application for Water Service” shall be executed by the Owner and District.

“Private Lateral” means a reach of private water line from the water meter to the property line of a parcel being served that crosses other parcels and is in a recorded easement to the Owner of the parcel being served. The private lateral is often called a “spaghetti” line. A private lateral may also service a fire hydrant or fire department connection, but no other water services may connect to this lateral.

“Private Project” means Water Facilities built by a private party that they intend to dedicate to the District to own, operate and maintain.

“Process Water” means that water used as a major component of the product or service created, such as water bottling, soft drink bottling, laundries, washing operations, restaurants, fast food services, etc.

“Public Water Facilities” or “Water Facilities” means all District owned and operated facilities that are used to treat, store and deliver water; such as lakes, water treatment plants, pump stations, storage tanks, pipelines, valves, meters, service laterals, public fire hydrants and appurtenances.

“Same Parcel” includes subdivided parcels that are under the same ownership of the Owner of the original parcel. Parcels sold to others are not considered the same parcel for this section of the code.

“San Diego County Water Authority” (SDCWA) is the wholesale water provider to the District.

"Shall" is mandatory; "may" is permissive.

“Stranded Reach” means a reach of future water line that is bounded on both sides by parcels (including those that are on private laterals) that already receive water service from the District.

“Transmission Main” means a pipeline that is typically larger than 12-in in diameter and delivers water from a pump station or terminal storage tank to a local storage tank, or from the local storage tank to the distribution system. Typically, only distribution water lines connect to the transmission main and water service connections are rarely allowed to connect.

“Water Service” means any connection to the District water system for the purpose of taking water through water service laterals and associated fixtures such as meters, fire hydrants, and fire department connections.

“Water Service Lateral” is the segment of pipe between the distribution water line in a recorded easement or road right of way that connects to water fixtures (meters, fire hydrants, fire department connections).

“Water System” means the public water facilities including pipelines, pump stations, storage tanks, and water services that are owned, operated, and managed by the District.

“Water Systems Charge” is a fixed monthly charge based on the water meter size that covers some of the fixed costs for system maintenance, repair, and administration, regardless of the quantity of water used.

In addition to the definitions, the following conditions apply to this chapter:

- A. Water service is considered to go with the parcel and not with the Customer.
- B. The determination of meter size for single-family residential parcels and multi-family residential parcels does not consider the size of the dwelling unit because there is no conclusive evidence of a correlation between square footage of the dwelling unit and the water demand. However, the number of fixtures is considered.

Section 7.28.020 Applying for Water Service.

- A. To determine what conditions will be set by the District for providing water service to a development or parcel requires either the execution of a “Preliminary Application for Water Service”, executed by the Owner, or an “Application for Water System Evaluation”.
- B. **Application for Water System Evaluation** - Any interested party, individual, partnership, corporation, or other legal entity, including the Owner of a development or parcel, may execute an “Application for Water System Evaluation” per Section 7.76.030 to determine what conditions will be set by the District for providing water service.
- C. **Preliminary Application for Water Service** - Only the Owner or the Owner’s authorized agent with power of attorney of a development or parcel may execute a “Preliminary Application for Water Service”. A “Preliminary Application for Water Service” shall be submitted for each new water service, change in water service, or approval of a County of San Diego Clearance Form (this means there could be several “Preliminary Applications for Water Service” per parcel). The Preliminary Application for Water Service expires 180 calendar days from the execution date of the application and a new application and fee will be required to initiate a subsequent request for water service. A “Preliminary Application for Water Service” is not required if all of the following are met:
 - 1. no change in meter size,

2. no change in meter location,
3. no change in address, and
4. no change in APN.

The application information provided shall include at least:

1. The street address, assessor's parcel number, floor plan drawing (showing square footage and acreage of the property) to be served with water. (If request is for approval of County of San Diego Clearance Form, then architectural or engineering plans are also required).
2. The intended use (e.g. single family residential, multi-family residential, commercial, industrial, process water, irrigation, etc). Per California State Water Code Section 535, the use of water for landscaping of areas greater than 5,000 square feet shall be provided through a dedicated water meter for new retail water service for each parcel where retail water service has not been previously provided, and application is submitted after January 1, 2007. This requirement does not apply to services used for single-family residential or commercial production of agricultural crops or livestock.
3. Service requested (e.g. new or changed service, fire hydrant, fire department connection, meter abandonment, meter relocation, meter exchange).
4. For new structures or remodels submit architectural or engineering plans with a table listing for each dwelling unit the plumbing fixtures, fixture units, annual average gallons per day (gpd) and gpm for each use separated by existing facilities and new facilities.
5. In addition for multi-family, commercial, and industrial use;
 - a. Landscape plans shall be signed by a Landscape Architect and have a table of watering stations, with the maximum flow rate in gpm and annual volume of water in gallons per year to be used for irrigation for existing and new watering stations,
 - b. Process plans shall be signed by a Registered Engineer and have a table of the processes with the maximum flow rate in gpm and annual volume of water in gallons per year to be used for existing and new processes.
6. A copy of any recorded easement or right-of-way authorizing the installation of a service lateral, if the meter will not be set in a public street immediately adjacent to the Owner's parcel.
7. A description of any existing private facilities for the supply of water to the parcel, such as privately owned wells, reservoir, and storage tanks, etc.

8. The signature of the Owner or the authorized agent with power of attorney, and the Owner's address to which bills are to be sent.
- D. **Review of Preliminary Application for Water Service** - The District will review the "Preliminary Application for Water Service" for the items listed below. An "Application for Water System Evaluation" and a deposit may be required by the District depending on the outcome of the review.
1. The need to build a water line extension or Stranded Reach.
 2. The need for easements for water and sewer lines.
 3. The need for pump station and local storage improvements.
 4. The need for on-site and off-site improvements
 5. The cost of installation of water meter, fire hydrant, and fire department connection or other water service.
 6. Fees and charges.
- E. **Waiving the Application for Water System Evaluation** - An "Application for Water System Evaluation" shall be waived by District staff as part of the "Preliminary Application for Water Service" review for parcel(s) that meet any of the following criteria:
1. No change in water service, request is for meter relocation only on a parcel in the same storage zone or for downsizing.
 2. A single-family residential parcel in a Planned Community that has completed all infrastructure improvements, and does not require a new line extension, pump station capacity, or additional local storage capacity (Example is San Diego Country Estates) and request is for new dwelling unit or accessory dwelling unit (ADU, such as granny flats).
 3. It is determined by the District staff, at its sole discretion, that there is adequate storage, transmission main and pump station capacity to serve the parcel, and that:
 - a. One entire side of the parcel fronts on a two-way pipeline (water may be delivered from two directions), and the parcel is not located where a future line extension is needed on a second side of the parcel; or
 - b. There is no line extension required and no Stranded Reach to be built that benefit the parcel.
 4. It is determined by the District staff, at its sole discretion, that there is adequate transmission main and pump station capacity but a need for storage capacity to serve the parcel and any required capacity charge and any other applicable charge has been determined or is simple to determine, and

- a. One entire side of the parcel fronts on a two-way pipeline (water may be delivered from two directions), and the parcel is not where a future line extension is needed on a second side of the parcel, or
 - b. There is no line extension required and no Stranded Reach to be built that benefits the parcel.
- F. **Notification of Conditions for Water Service** - the District will notify the applicant in writing with a letter as to the conditions that shall be met in order to obtain water service, which may or may not require executing an "Application for Water System Evaluation" and submitting a deposit. All conditions, costs, fees and charges specified in the letter shall be valid for 180 days from the date the preliminary application was executed. If new information is submitted after the "Notification of Conditions for Water Service" per section 7.28.020 G is provided to the Owner, a new application and fee will be required.
- G. **Application for Water Service** - an "Application for Water Service" may be accepted by the District when all conditions specified in the letter in item F above have been met. No water service shall be installed, until the "Application for Water Service" has been approved by the District, all conditions met and an amount sufficient to pay all fees, deposits, and charges has been paid to the District and all offsite improvements are completed. Fees are not refundable but unused deposit moneys shall be refunded upon completion of all conditions of water service having been met and a final audit of the account is completed, which is typically 3 months after all conditions are met.

Section 7.28.025 Capacity Fee Installment Payment Program.

The District requires payment of capacity fees to offset the cost of connecting to the District's water system. In some cases, payment of these charges poses a significant burden on certain residential, commercial or industrial users. To accommodate this, the District has established a program for the short-term deferral of the payment of these charges. Owners who apply to connect to the District's water system may elect to participate in the capacity fee installment payment program ("Program") for the deferred payment of the District's water capacity charge. The Program shall be subject to the following limitations:

- A. The Program does not apply to the San Diego County Water Authority's system charge or other connection charges.
- B. Owners who elect to participate in the Program shall be assessed administrative charges as established by the Board for the Program in effect as of the effective date of the agreement to participate in the Program. Such fees and charges may be modified in the future by Board action.
- C. As a condition of participation in the Program, an Owner shall execute an application, a deferred payment and lien agreement, and any other District required agreements in the District's standard form. Such agreements will be recorded with the county recorder. The agreements will bind all present and future owners of all or part of the unpaid capacity charge. Any unpaid capacity fee is due upon a change in ownership of the property.

- D. If an Owner elects to participate in the Program, the capacity fees that would otherwise be due at the time of the District's "Notification of Conditions of Water Service" shall be deferred by the District up to a five year period at the interest rate established by the Board for the Program in effect as of the effective date of the agreement. Such interest rate may be modified in the future by Board action.
- E. The District shall bill and collect an annual capacity fee installment payment for each Owner participating in the Program by placement on the tax roll. If placement on the tax roll is not possible, the District shall bill and collect an annual capacity fee installment payment via direct billing.
- F. The General Manager, or his/her designee is authorized to execute and record the required Program agreement(s), documents, and releases of agreement on behalf of the District. For participation by Owners who owe \$60,000 or less, the General Manager may approve such applications. Any applications by Owners for participation in the Program that exceed \$60,000 will be submitted to the Board for consideration in its sole and absolute discretion. When considering approval of any such applications for participation in the Program, the Board will consider such factors as: benefit to the community/District; hardship on the owner for an upfront payment; likelihood for full payment; total outstanding amount of other deferred capacity fees participating in the Program; and planned capital improvements.
- G. The Owner shall be responsible for notifying prospective purchasers of the existence of unpaid or delinquent capacity fees, whether disputed or not. Prospective purchasers of parcels are similarly responsible for directly verifying with the District that capacity fees have been paid.
- H. In the event an owner applies for an increase in water service and additional capacity fees are due as a result, the General Manager may, at his/her discretion, allow the owner to participate in the Program for payment of fees resulting from the increase in service.
- I. If the event any annual Program charge is not paid on time, the full amount of the then-current Capacity Fees plus District penalties, interest accrued, and collection costs, if any, less any previously paid Capacity Fees will be immediately due and payable.

Section 7.28.030 Determination of Meter Size.

- A. The meter size for a new water service or a change in water service shall be determined as set forth below. The District Engineer shall have the discretion to assign meter sizes for water uses not specified herein.
- B. Water Meter Sizing:
 - 1. Single family and multi-family (individually metered units) shall be ¾-in meters unless a larger meter is determined to be needed by the District Engineer.
 - 2. Multi-family, commercial, industrial, and irrigation that have landscape areas greater than 5000 square feet shall be required to purchase an irrigation meter per California Water Code 535 for new retail water service for each parcel where retail water service has not been previously provided

and application is submitted after January 1, 2007. This requirement does not apply to services used for single family residential or commercial production of agricultural crops or livestock.

3. Multi-family, commercial, industrial, and irrigation water meter sizing shall be based on the information provided by the applicant. The information submitted by the applicant shall include the number of fixtures and estimated commercial, industrial, process water and/or irrigation flows.

For meter sizes greater than 3-inches, the District Engineer shall determine the maximum flow allowed per meter based on the proposed meter manufacturer and model and AWWA recommendations.

Meter Size Table

Meter Size*	Maximum Flow Rate
¾ inch	25 gpm
1 inch	35 gpm
1 ½ inches	70 gpm
2 inches	100 gpm
3 inches	200 gpm

*Flow limits are based the values in the 2018 Addendum to the AWWA M6 Manual in Table 5-3 (Multijet) for meter sizes ¾-inch to 1 ½-inch meters and in the table titled “Electromagnetic and Ultrasonic Meters for Revenue Applications – Type I” for meters 2 inches and above.

- C. Irrigation Water from Existing On-Site Wells - Where a property has an on-site well to be used for irrigation purposes only, the District shall not include the irrigation component served by the well within the required meter size calculations.

Section 7.28.040 New Water Service.

An Owner requesting new water service shall pay all fees, deposits, and installation costs associated with the requested water service; provided, however, that accessory dwelling units (ADUs) shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges. In addition, it shall not be required for an Owner to install a new or separate connection directly between the ADU and the District, and no related connection fee or capacity charge shall be assessed for an ADU.

Section 7.28.045 Out-of-District Water Service.

An Owner of a property outside of the District’s boundary may apply for Out-of-District Water Service for its property if:

- 1) the property is within the boundaries of another SDCWA member agency;
- 2) the Owner obtains a letter from the other member agency approving District water service to the property; and
- 3) the other member agency and District execute an interagency agreement.

Board approval of the interagency agreement is required prior to the District Engineer executing the Out-of-District Water Service Agreement. Review and approval by the San Diego County

Local Agency Formation Commission (LAFCO) may also be required. The Out-of-District property Owner shall execute an "Out-of-District Water Service Agreement," prior to interagency agreement going to the District Board, pay all fees, deposits, and installation costs associated with the requested water service in accordance with the District's Legislative Code and shall be billed at the construction rate for water. In addition to the aforementioned fees and costs, the Out-of-District property owner shall pay an Out-of-District inclusion fee the amount of which will be determined on a case-by-case basis. The Out-of-District Water Service Agreement shall make clear that Out-of-District Water Service may be interrupted at any time if the District has a water shortage.

Section 7.28.050 Abandoned Water Service.

- A. The only way to avoid monthly system charges is to abandon the metered water service.
- B. An Owner applying for abandonment of water service shall acknowledge in writing on a form acceptable to the District that:
 - 1. The water service is being abandoned,
 - 2. That to obtain water service for the same parcel in the future will require applying for new water service and payment of all then current fees and charges, and
 - 3. There is no credit for any fees or deposits paid for the water service being abandoned.
- C. The District may declare a metered water service as "abandoned" because of failure of Owner to pay for water service.
- D. If a water service is abandoned for any reason, the Owner may be required to pay the cost of removal of the water service lateral and fixture. The Owner shall make a deposit for a "Lateral Meter Installation Deposit" per section 7.16.030 to cover the cost of abandoning.

Section 7.28.060 Relocating Water Service.

- A. An Owner may apply for water service relocation in only two situations: (1) relocation on the same parcel or (2) between two adjacent contiguous parcels with the same Owner. The Owner shall pay all costs associated with the potential removal of the existing water service and lateral and installation of a same size new water service lateral and fixtures. If a meter is relocated from a parcel to a contiguous parcel, restoration of water service to the original parcel shall follow the established procedures for installing a new water service in accordance with Chapter 7.28 of the District Legislative Code.
- B. The Owner shall make a deposit for a "Lateral Meter Installation Deposit" per section 7.16.030.
- C. No meter sizing determination is made as a result of a relocation only in the same pressure zone.

Section 7.28.070 Down-sizing Water Service.

- A. An Owner may apply to exchange an existing meter for a smaller meter. This will not result in a refund of fees or charges paid. It may result in a reduction in monthly Water System Charges.
- B. The Owner requesting downsizing the Water Service size shall pay all costs associated with removal of the larger meter, modifying the system to accommodate a smaller meter and installation of a smaller meter. The installation cost will be for a drop-in per section 7.16.030 of this code.

In the event that the District is already planning to remove and replace the water meter within the next three months, the Owner may use this planned activity to reduce costs associated with the removal or modification and drop in of new meter, subject to the General Manager's review and approval. In all cases the Owner shall pay the required application fees. If smaller meter is to be placed at a different location(s) on the parcel see section 7.28.060.

- C. The District shall determine meter size based on Owner-provided water use for existing and proposed facilities. If an increase in water meter size is warranted the Owner shall pay the additional fees and charges.

Section 7.28.080 Up-sizing Water Service.

- A. An Owner who applies for an increase in water service for metered water service will receive credit for the current Water Capacity Fee, and San Diego County Water Authority System and Treatment Capacity Charges for the existing meter towards the fees for the larger meter. If the new metered water service does not require a new water service lateral the installation costs will be for a drop-in per 7.16.030.
- B. If the existing water service lateral cannot be used the Owner shall pay all costs associated with increasing the water service size, which may include removal of the smaller water service lateral and fixtures and installation of the larger water service lateral and fixtures. The Owner shall make a deposit for a "Lateral Meter Installation Deposit" per section 7.16.030.
- C. The District shall determine meter size based on Owner-provided water use information for existing and proposed facilities and if an increase in meter size is warranted the Owner shall pay the additional fees and charges and comply with any conditions that result from a water system evaluation.

Section 7.28.085 Allocation of Existing Water Service for Subdivisions.

- A. If a parcel that has metered water service is subdivided by the existing Owner, the existing water service may be assigned to any of the new parcels created by the subdivision as long as the parcels remain owned by the existing Owner. Per Section 7.04.150, the water service shall serve only one of the new parcels.

- B. The existing Owner of the subdivided parcel requesting the water service to any of the new parcels created by the subdivision shall pay all costs associated with removal of the larger meter, modifying the system to accommodate one or more smaller meters and installation of the smaller meters. The installation cost to use the existing service location will be for a drop-in per Section 7.16.030 of this code. Any meter to be placed at a different location(s) on any of the new parcels shall be treated as a new installation per Section 7.16.30 of this code.
- C. The existing Owner of the subdivided parcel shall receive credit for the current Water Capacity Fee, and San Diego County Water Authority System and Treatment Capacity Charges for the existing meter, towards the fees for the smaller meters.
- D. The existing Owner of the subdivided parcel shall satisfy all conditions established by the District in the Water System Evaluation and pay all mitigation fees per Section 7.76 of this code.

Section 7.28.090 Meter Modification Due to Exceeding Meter Flow.

- A. When flows exceed the maximums in Section 7.28.030 through a Customer's meters, inaccurate readings and meter breakage may occur. To reduce this flow, orifice plates may be inserted when and where needed. Orifice plates required to reduce a Customer's water demand below the maximum allowed for the meter installation shall be billed on a time and material basis and collected on the customer's water bill. If the Customer desires a higher flow, the Customer can apply to upsize the parcel's water meter according to Section 7.28.080.

Section 7.28.100 Water Service Installation.

- A. Water service laterals and components for meters between the public water line and the limits of a public right-of-way or District easement, that connect to an active water line, shall be installed by the District staff or its designated contractor.
- B. The Owner or its contractor may install water service laterals that are installed on an inactive water line. The District may, at its sole discretion, take a water line out of service to allow the Owner or its contractor to install the water laterals and components.
- C. The components of fire hydrants and fire department service connections (FDCs) that are on private property shall be installed and maintained by the Owner.
- D. Water meters and public fire hydrants shall be maintained by the District.
- E. Installation of fire hydrants and FDCs to serve a specific development or single parcel of land shall be installed at the Owner or developer's sole expense in accordance with Chapter 7.80 of this Code.

Chapter 7.32

CROSS-CONNECTION CONTROL REGULATIONS

Contents:

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Section 7.32.010 Purpose.

The purpose of this chapter is:

- A. To protect the district system from the possibility of contamination or pollution, by isolating within customer systems such contaminants or pollutants which could backflow or back-siphon into the district's potable water system; and
- B. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the district's potable water system.

Section 7.32.020 Definitions.

Whenever in this chapter or in any document where they govern, the following terms are used, they shall be defined as follows:

"Approved" means accepted by the district or public health agency as meeting an applicable specification stated or cited in this chapter or as suitable for the proposed use.

"Auxiliary water supply" means any water supply, other than the district's system on or available to a customer system. These auxiliary waters may include water from other purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc.,

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or used waters or industrial fluids. These waters may be polluted or contaminated, or they may be objectionable, and constitute an unacceptable water source over which the district does not have control.

"Backflow" means the flow of water (or other liquids, mixtures or substances) under pressure into the district system from any source or sources other than its intended source.

"Back-siphonage" means the flow of water (or other liquids, mixtures or substances) into the district system from any source other than its intended source, caused by the sudden reduction of pressure in the district system.

"Backflow preventer" means a device or means designed to prevent backflow or back-siphonage.

- A. "Air-Gap" is a means of backflow prevention utilizing the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; provided however, that in no case shall air-gap be less than one inch.
- B. "Reduced pressure principle device" means a backflow prevention device consisting of an assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure of the inlet device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure at the inlet of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for inline maintenance and testing and be installed in a location where no part of the device will be submerged.
- C. "Detector check" means a backflow prevention device consisting of an assembly of two independently acting, spring-loaded check valves; two shut-off valves and four test cocks. This unit provides for the valves to seal against a higher inlet pressure than outlet pressure and a low pressure drop at maximum capacity. The primary use for this unit is in applications where a reduced pressure principle device would limit flow and not meet fire flow requirement for the structure. The installation of a detector check assembly must be such that the device would be readily accessible for in-line maintenance and testing and also where no part of the device will be submerged.

"Board" means board of directors of the Ramona Municipal Water District.

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"Contamination" means the impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spreading of disease.

"Control" means the right and power over the sanitary quality of water.

"Cross-connection" means any physical connection, or arrangement of piping or fixtures, between two otherwise separate piping systems, one of which contains potable water and the other of which contains nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur into the district's system. A water service connection between the district system and a customer system which is cross-connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tubes, solid connections, etc.

"Cross-connection control by containment" means the installation of an approved backflow prevention device in any customer system at the water service connection.

"District" means Ramona Municipal Water District.

"Hazard, Degree of" The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the district system.

- A. Hazard, Health. "Health hazard" means any condition, device or practice in the district system, or its operation, which could create, or in the judgment of the district may create, a danger to the health and well-being of any water customer.
- B. Hazard, Plumbing. "Plumbing hazard" means any plumbing type of cross connection in customer system that has not been properly protected by an air-gap separation or back-flow prevention device is a health hazard.
- C. Hazard, Pollutational. "Pollutational hazard" means an actual or potential threat to the physical properties, or to the potability, of the district system, which would constitute a nuisance or be aesthetically objectionable or could cause damage to the district system, but would not be dangerous to health.
- D. Hazard, System. "System hazard" means an actual or potential threat of severe damage to the physical properties of the water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the district system.

"Industrial fluids system" means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutational or plumbing hazard if introduced into the district system.

"Industrial fluids systems" include but are not limited to: polluted or contaminated waters; all types of process waters and used waters originating from the district system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated

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cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used for industrial, or other, purposes or for fire-fighting purposes.

"Manager" means general manager of the Ramona Municipal Water District or his/her authorized representative.

"Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"Public health agency" means the state of California Department of Health Services.

"Title 17" means California Administrative Code, Title 17, Public Health Regulations relating to cross-connection.

"Water - potable water service connection" means the terminal end of a service connection from the district system (that is where the district loses control over the water at its point of delivery to the customer system), being the downstream end of the meter. There should be no unprotected take- offs from the service line ahead of any backflow prevention device. Service connections shall also include water service connections from a fire hydrant and all other temporary or emergency water service connections from the district system.

Water, Nonpotable. "Nonpotable water" means water which is not safe for human consumption or which is of questionable potability.

Water, Potable. "Potable water" means any water which, according to recognized standards is safe for human consumption.

"Water System" The water system is made up of two parts; namely, the district system and the customer systems:

- A. The district system consists of the source and the distribution system under the complete control of the district, up to the point where the customer system begins.
 - 1. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
 - 2. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer systems.
- B. The customer systems consist of all water components beyond the metered water service connections.

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Water, Used. "Used water" means any water supplied by the district from the district system to a customer system after it has passed through the metered water service connection and is no longer under the control of the district.

"Water Supervisor" In industrial or commercial application, a water supervisor will be designated. An individual designated as water supervisor will be responsible for keeping abreast of cross-connection regulations and maintenance of commercial and industrial water systems to prevent cross connections or other sanitary defects from occurring on these types of water systems.

Section 7.32.030 Backflow Prevention Device: General Requirements.

- A. The district shall be responsible for the protection of the potable water system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the potable water service connections.
- B. If, in the judgment of the general manager or designate, an approved backflow prevention device is required at any potable water service connection for the safety of the district system, the general manager or designate shall give notice in writing to the affected customer to install an approved backflow prevention device at each of such customer's potable water service connections. Within the time prescribed by the general manager or designate, the customer shall install such approved device or devices at the customer's own expense; and failure or refusal or inability on the part of the customer to install said device or devices shall immediately constitute a ground for discontinuing water service to such metered water service connections until such device or devices have been properly installed.
- C. The district shall maintain records of all backflow devices installed in the water system. The district shall also keep records regarding the certification of all devices. The district shall be responsible for notifying each customer/user when a device is required to be installed or tested. Testing of backflow devices shall be done at least annually or more often as the district deems necessary, depending on the degree of hazard. It is the district's primary responsibility to ensure that all testing and recordkeeping conforms to State Health regulations relating to cross connections.
- D. If the customer files with the district a written protest of the degree of hazard involved and the commensurate degree of protection required to be provided, the matter shall be referred by the district to the appropriate health agency. If the protest involves a new meter installation, the district shall not commence water service until after the health agency has delivered its written decision to the district. The written decision of the health agency shall be final.

Section 7.32.040 Protection Required Before System Connection.

No potable water service connection to any premises shall be placed in service by the district unless the district system is protected as required by state laws and regulations and by this chapter. Service of water to any premises shall be immediately discontinued by the district if a

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backflow prevention device required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

Section 7.32.050 Systems to be Open for Inspection.

All customer systems shall be open for inspection at all reasonable times to authorized representatives of the district to enable the district to ascertain the existence of cross-connections or other structural or sanitary hazards, including violations of this chapter. When such a condition becomes known, the district shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state laws and district ordinances relating to plumbing and water supplies and with regulations adopted pursuant thereto.

Section 7.32.060 Backflow Prevention Device Required When.

An approved backflow prevention device shall be installed on each potable water service connection to a customer system at or near the property line or immediately inside the building being served. Such installation shall conform to the district's standard specifications, but, in all cases, such device shall be installed before the first branch line leading off the service wherever the following conditions exist:

- A. In the case of premises having an auxiliary water supply which is not, or may not be, of safe bacteriological or chemical quality and which is not an accepted service by the district or appropriate health agency, the district system shall be protected against backflow from the premises by the installation of a backflow prevention device.
- B. Whenever backflow protection has been found necessary on a customer system, then all potable water service connections shall be protected by an approved backflow device regardless of whether or not the district's water is being used.
- C. In the case of premises on which any industrial fluid, or any other objectionable substance, is handled in such a fashion as to create an actual or potential hazard to the district system, including the handling of process waters and waters originating from the district system which have been subject to deterioration in quality, the district system shall be protected against backflow by the installation of a backflow prevention device appropriate to the degree of hazard.
- D. Whenever the following conditions exist on any premises, the district system shall be protected against backflow by the installation of a backflow prevention device:
 1. Internal cross-connections that cannot be permanently corrected or controlled; or
 2. Intricate plumbing and piping arrangements; or

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3. Where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist.

Section 7.32.070 Types of Protective Devices.

The type of protective device required under the Section 7.32.060 shall depend upon the degree of hazard which exists as follows:

- A. In the case of any premises where there is an auxiliary water supply as stated in Section 7.32.060(A) and such supply is not subject to any of the following rules, the district system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.
- B. In the case of any premises where there is water or substance that would be objectionable, but not hazardous to health, if introduced into the district system, the district system shall be protected by an approved reduced pressure principle device.
- C. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the district system, the district system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.
- D. In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the district system shall be protected by an approved air-gap, water separation or an approved reduced pressure principle backflow prevention device.
- E. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the district system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each water service connection to the premises.
- F. A reduced pressure backflow preventer, as near to the potable water service connection as possible, will be required. In general, a reduced pressure backflow preventer will be required when any one of the following conditions exist:
 1. Auxiliary water system (interconnected);
 2. Winery;
 3. Building with sewage ejectors;

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4. Cannery, packing house or reduction plant;
5. Car wash with water reclamation system;
6. Centralized heating and air conditioning plant;
7. Chemical plant;
8. Public works facilities;
9. Dye works;
10. Film processing or other laboratory;
11. Fire system with auxiliary supply;
12. Hospital or mortuary;
13. High school or college;
14. Food processing plant;
15. Restaurant;
16. Rendering plant;
17. Veterinarian or pet hospital;
18. Steam boiler;
19. Plating facility or metal finisher;
20. Irrigation system where anything is injected into the customer system;
21. Manufacturing, processing or other fabricating plant using toxic materials;
22. Paper production plant;
23. Restricted, classified or other closed facility;
24. Sand and gravel plant;
25. Where a cross-connection is maintained;
26. Pressure in the customer system may at any time exceed the water pressure in the district system;
27. The customer system includes more than one potable water service connection;

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28. Where a swimming pool is maintained;
 29. Where a closed elevated storage tank is maintained;
 30. Auxiliary water system (not interconnected);
 31. The customer system is so extensive that it is not easily observed or checked as to maintenance and use;
 32. Building with house pump and/or storage tank;
 33. Chemically treated potable water system;
 34. Commercial laundry;
 35. Dairy or other cold storage plant;
 36. Fire system with pump and/or water storage tank;
 37. Manufacturing, processing or fabricating plant using nontoxic materials;
 38. Mobile home park;
 39. Irrigation system where nothing is injected into the customer system;
 40. Church;
 41. Residential dwellings in industrial and commercially zoned areas;
 42. Private well located on properties where a potable water service exists;
 43. Any commercial property;
 44. Any location where the district or health agency deems the installation of a backflow device necessary.
- G. An air-gap separation device will be installed as close to the water service connection as possible. Such device will be required but not limited to the following conditions:
1. Sewage treatment plants and pump stations;
 2. Manufacturing, processing or fabricating plans where toxic materials or water are pumped, processed or treated;
 3. Any location where the district or health agency deems the installation of an air-gap separation device necessary.
- H. A detector check assembly will be installed as close to the water service connection as possible. Such a device will be required but not limited to the following conditions:

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1. Commercial, industrial or manufacturing where a reduced pressure principle device would limit the amount of water needed by the customer;
2. In applications where a reduced pressure principle device would limit fire flow requirements;
3. Any location where the district or health agency deems the installation of such a device necessary.

Section 7.32.080 Certification of Backflow Prevention Devices.

Any backflow prevention device required by this chapter shall be of a model and size approved by the district. The term "approved backflow prevention device" means a device that has been established by the American Water Works Association, as set forth in its publication entitled, AWWA C506-78 Standards for Reduce Pressure Principles and Double Check Valve Backflow Prevention Devices, and, that has met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, as set forth in its publication entitled, Specification of Backflow Prevention Devices - #79-84 dated March 1982, and said publications, including any amendments or revisions thereto, are adopted and incorporated in this as fully as if set out at length herein.

Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory, certifying full compliance with said AWWA Standards and FCC&HR Specifications.

The following testing laboratory is approved by the board to test and certify backflow preventers: Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, University Park, Los Angeles, California 90007.

Testing laboratories other than the laboratory listed above will be added to an approved list as they are approved by resolution of the board.

Backflow preventers which may be subjected to back pressure or back-siphonage that have been fully tested and have been granted a certificate of approval by said approved laboratory and are listed on the laboratory's current list of approved devices may be used.

Section 7.32.090 Certified Backflow Tester List.

The District shall maintain a list of certified backflow testing firms approved by the board to test and certify backflow preventers. Certified backflow testing firms that desire to be included on the District's list must pay an annual \$20.00 listing fee, due and payable to the District by January 1st of the year for which the certified backflow testing firm desires to be listed.

Section 7.32.100 Existing Devices.

All presently installed backflow prevention devices which do not meet the requirements of this chapter shall be replaced by a backflow prevention device meeting the requirements of this chapter. Any such replacement cost will be borne by the customer/user.

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Section 7.32.110 Inspections and Testing: Customer Responsibility.

It shall be the duty of the customer/user at any premises where backflow prevention devices are installed or repaired to have inspections and operational tests made by a certified tester. In those instances where the district deems the hazard to be great enough, it may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer/user, and shall be performed by a district-approved certified tester. It shall be the duty of the district to see that these timely tests are to be undertaken so that district personnel may witness the tests if it is so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer/user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept on file with the district.

Section 7.32.120 Noncompliance and Penalties.

In the event a customer is notified that a backflow device shall be installed or tested on the customer's service connection and a reasonable compliance time has been allowed by the District in which the customer has not complied with the District's request, then the customer's water service shall be locked off. The customer's water service shall remain locked until a District approved backflow device is installed and/or tested by a certified backflow tester; and all unlock fees are paid.

Section 7.32.130 Customer Protest.

If the customer files with the district a written protest of the degree of hazard involved and the commensurate degree of protection required to be provided, the matter shall be referred by the district to the appropriate health agency. If the protest involves a new meter installation, the district shall not commence water service until after the health agency has delivered its written decision to the district. In the advent a device is required for existing services and a protest is filed, water service may be discontinued at the discretion of the district until a written decision is delivered by the health agency. The written decision of the health agency shall be final.

Section 7.32.140 Annual Charges.

Annual charges may be established by the district as necessary. The purpose of such charges will be to cover the cost incurred by the district for regulation and enforcement of the cross-connection control regulations. Title 17 of the California Administrative Code states, "It shall be the customer's responsibility to provide protective devices as required under the cross connection regulation."

Section 7.32.150 Interpretation of Provisions.

This chapter and Title 17 of the California Administrative Code shall guide the district in the implementing and functioning of its backflow prevention program. In instances where this chapter does not define the application of the backflow prevention program the district shall rely on Title 17 of the California Administrative Code for definition. In instances where this chapter or

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said Title 17 does not give definition then the district shall rely on the State Department of Health Services for final discretion.

Section 7.32.160 Requests for Inspection or Maintenance at District Expense.

District staff may not place on the agenda of any regular or special meeting of the Board of Directors of this district any request, by any person, that the district bear the expense of inspection or maintenance of any backflow prevention device, unless that person avers: 1) that the backflow device in question was physically installed by the Ramona Municipal Water District staff, or under the direction of the district's Board of Directors; and 2) that the person making the request is a party to a verbal or written contract with the district, under which the district has obligated itself to inspect or maintain the backflow device in question.

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Chapter 7.36

ILLEGAL WATER CONNECTIONS AND USE

Contents:

Section 7.36.010	Intent.
Section 7.36.020	Definitions.
Section 7.36.030	Prohibitions.
Section 7.36.040	Water Meter Locking or Disconnection Requested by Customer.
Section 7.36.050	Calculation of Amount Due and Termination of Service.
Section 7.36.060	Civil Remedies.
Section 7.36.070	Criminal Offenses.

Section 7.36.010 Intent.

This Ordinance establishes policies for dealing with persons who illegally connect to the District's water system or who damage or tamper with District facilities.

Section 7.36.020 Definitions.

The following definitions apply in interpreting this Ordinance:

- A. "Person" means any individual or any partnership, firm, association, corporation, or other legal entity.
- B. "District" means the Ramona Municipal Water District.
- C. "Customer" means the person in whose name water service is provided.
- D. "Divert" means to change the intended course or path of water without the authorization of the District.
- E. "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent any District water facility from performing its normal or customary function.
- F. "Reconnection" means the commencement of water service to a customer or other person after service has been lawfully discontinued by the District.

Section 7.36.030 Prohibitions.

All persons receiving water service from the District are hereby prohibited from doing any of the following:

- A. Diverting or causing to be diverted any water service by any means whatsoever;

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- B. Preventing any water meter or other device used in determining the charge for water services from accurately performing its measuring function by tampering or by any other means;
- C. Tampering with any water facilities owned or used by the District to provide water services;
- D. Making or causing to be made any connection or reconnection to any District water facilities without the written authorization or consent of the District;
- E. Using or receiving the direct benefit of any District water service with knowledge or reason to believe that this water has been received as a result of a diversion, tampering or unauthorized connection or reconnection to any District water facilities or that the use of water was without the authorization or consent of the District;
- F. The damaging or destruction of any District water meter or other District water facilities;
- G. The drawing of water from any District fire hydrant without written authorization from the District;
- H. The alteration of, or the connection to, any fire protection system for other than its intended use;
- I. The alteration of any backflow prevention device or fire-flow detector check without the written consent of the District;
- J. The reconnection to any part of the District's water system by any person after this water system has been turned off by the district.

Section 7.36.040 Water Meter Locking or Disconnection Requested by Customer.

“Disconnection of a water meter” refers to the removal of the water meter and placing the meter in storage by the District. If a customer requests that their water meter be locked or disconnected for any reason, the District may agree to do so at the customer’s sole expense. The customer will continue to be billed monthly service charges. Before locking or disconnecting the meter, the customer must deposit sums determined adequate by the District to cover the District’s fees and costs. Any amount of the deposit remaining after the service has been completed shall be returned to the customer without interest.

Any additional amounts owed by the customer that were not covered by the deposit shall be included in the customer’s next billing cycle and shall be payable by the customer at the same time as the regular bill for that cycle. Prior to unlocking or replacement of a previously disconnected meter at the request of the customer, the customer must deposit the amount determined necessary by the District to cover all fees and costs.

Section 7.36.050 Calculation of Amount Due and Termination of Service.

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Upon discovery of any violation of this Ordinance, the District may determine its actual damages, including the estimated amount of water used without payment, by any reasonable method. Following discovery of any violation of this Ordinance, the District may terminate water service to a customer who has violated this Ordinance after giving the customer at least fifteen (15) days written notice of the violations and after the Customer has been given a hearing before the Board of Directors of the District. The District shall have the right to disconnect the illegal connection on any District or public property and to terminate temporary water service by requiring the immediate return of "Construction Meters."

In addition to the payment of actual damages, violators who illegally draw water from any district fire hydrant who apply for construction meters after their violation; must make a security deposit equal to two times the amount required by policy to reinstate or initiate service. Upon the second offense the district reserves the right to permanently terminate temporary water service to the customer.

Section 7.36.060 Civil Remedies.

Any customer of the District who violates any provision of this Ordinance shall be liable for damages three (3) times the amount of actual damages as determined in accordance with Legislative Code Section 7.36.050, if any, plus costs of suit and reasonable attorney's fees in accordance with Civil Code Section 1882.2. The provisions of Civil Code Section 1882 et seq. are incorporated herein by reference.

This Ordinance shall be interpreted so as to be consistent with Civil Code Sections 1882 et seq.

Section 7.36.070 Criminal Offenses.

Nothing in this Ordinance is intended to restrict the ability of the District to enforce any violation of this Ordinance as a crime in accordance with the penal statutes of the State of California. In the event that District staff determines that any violation of this Ordinance is also a violation of the penal statutes of this State, District staff shall report the matter to the Board of Directors of the District who shall consider whether it is appropriate to refer the matter to the district attorney's office for prosecution.

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Chapter 7.38

**EVALUATION OF OFFERS FROM PRIVATE WELL OWNERS TO SELL
GROUNDWATER TO THE DISTRICT**

Contents:

- Section 7.38.010 Purpose.**
- Section 7.38.020 Entertainment of Offers.**

Section 7.38.010 Purpose.

This policy establishes procedures for entertaining offers from well owner who wishes to sell groundwater to the District.

Section 7.38.020 Entertainment of Offers.

Reliable groundwater development and production may benefit the District. The District may entertain offers to sell groundwater to the District on a case-by-case basis subject to the following conditions:

- A. From time to time private well owners may approach the District with offers to sell groundwater. At the sole discretion of the Board of Directors, such offers may be considered under terms and conditions applicable to the circumstances of each such offer.
- B. All agreements to purchase well water will be subject to the approval of the Ramona Municipal Water District Board of Directors.

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Chapter 7.40

WATER CONSERVATION

Contents:

Section 7.40.010	Declaration of Policy.
Section 7.40.020	Findings.
Section 7.40.030	Voluntary Guidelines.
Section 7.40.040	Drought Response Conservation Program.
Section 7.40.041	Violations and Penalties.
Section 7.40.042	Variance.

Section 7.40.010 Declaration of Policy.

California Water Code Sections 375 et seq. and 71640 et seq., authorizes municipal water districts to adopt water conservation measures in a comprehensive water conservation program to reduce the quantity of water used by the people for the purposes of conserving the water supplies of the District and of the State, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times. The District may also prohibit use of water during designated periods and for specific uses that it finds to be nonessential. Understanding that the community of Ramona wishes to utilize its limited water resources as efficiently as possible, all members of the Ramona community are encouraged to take steps to voluntarily reduce water consumption throughout the year regardless of whether drought conditions exist. The Board has established an effective cooperative Water Conservation program to provide resources and education to the public. Information about the program can be obtained by contacting the District office, or through the District's website.

The policy established herein is part of the Ramona Municipal Water District's comprehensive Water Conservation program pursuant to California Water Code Sections 375 et seq. and 71640 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage. The Board fully anticipates, encourages and appreciates the joint efforts between the District and the public to conserve water to protect water supplies.

This policy also establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions ("Drought Response Levels") to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies. Drought Response Level 1 drought condition response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by the District.

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During Drought Response Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals. Violations of this Chapter are subject to criminal, civil, and administrative penalties and remedies specified in this Chapter 7.40 and as provided by law.

Section 7.40.020 Findings.

The District finds and determines the conditions prevailing in the Ramona Municipal Water District service area require water resources be put to maximum beneficial use, to every extent possible. The waste or unreasonable use of water must be prevented, and the conservation of water encouraged. The District's objective is to obtain the maximum reasonable and beneficial use of its water resources, to best serve the members of the community and to ensure public health, safety and welfare.

Section 7.40.030 Voluntary Guidelines.

- A. The following voluntary water conservation guidelines have been established to reduce overall water consumption, and preserve the District's water supply. The District encourages all customers to incorporate water conservation practices into their daily lifestyle, for enhancing the beneficial use of water resources.
 - 1. Acknowledging that landscape irrigation is the single highest usage of water in single-family homes - about 60% of water used, the District establishes the following guidelines to conserve water for landscape and other outside use:
 - a. Water lawn and landscaping only during the cool parts of the day. Early morning is best, as it helps prevent the growth of fungus (watering may be done at any time with a bucket, a hand-held hose equipped with a positive shut-off nozzle, with drip irrigation or rotating nozzles);
 - b. Water lawn only when it needs it - step on the grass, if it springs up underfoot, it does not need water;
 - c. When watering the lawn, water it long enough to seep down into the roots, as surface watering will simply evaporate and be wasted;
 - d. Practice water-wise gardening by using drought tolerant and California-Friendly plants and trees;
 - e. Put a layer of mulch around trees and plants to slow the evaporation of moisture;
 - f. Delay new plantings until the cooler fall months, when plants need less water;
 - g. Water for several short periods instead of one long period, so the soil can absorb the moisture, without wasteful runoff;

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- h. Use a broom to clean off sidewalks, driveways, parking areas, tennis courts, patios or other paved areas;
 - i. Check for leaks in pipes, hoses, faucets and couplings; repair as soon as possible;
 - j. Use a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle when washing autos, trucks, trailers, boats, airplanes and other types of mobile equipment; and
 - k. Use untreated or recycled water for grading, if possible.
2. To conserve indoor water use:
- a. Check toilet(s) for leaks. Put a few drops of food coloring in the toilet tank. If, without flushing, the coloring begins to appear in the bowl, the tank has a leak that may be wasting up to 100 gallons of water a day. Install a high-efficiency or an ultra low-flush toilet;
 - b. Take shorter showers. Limit showers to the time it takes to wash and rinse;
 - c. Install water-saving shower heads or flow restrictors;
 - d. Take baths instead of showers. A partially filled tub uses less water than a shower;
 - e. Turn off the water while brushing teeth and shaving;
 - f. Check faucets and pipes for leaks;
 - g. Use automatic dishwashers only for full loads, as every load uses about 25 gallons of water;
 - h. Use automatic clothes washers only for full loads, as every load uses 30 to 35 gallons a cycle. Consider purchasing a High-Efficiency Washer (HEW), when replacing your clothes washer;
 - i. Do not let the faucet run while cleaning vegetables or when washing dishes, as rinsing can be done in a sink full of clean water;
 - j. Do not leave water running for rinsing when washing dishes by hand;
 - k. Serve water to restaurant customers only when specifically requested.

Section 7.40.040 Drought Response Conservation Program.

A. Definitions

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1. The following words and phrases whenever used in this chapter shall have the meaning defined in this section:
 - a. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market; or (2) for the feeding of fowl or livestock produced for human consumption or for the market; or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Water Authority Special Agricultural Rate programs.
 - b. "Water Authority" means the San Diego County Water Authority.
 - c. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this Chapter 7.40 and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.
 - d. "Metropolitan" means the Metropolitan Water District of Southern California.
 - e. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.
 - f. "SAWR" means the Special Agricultural Water Rate program available from Metropolitan that is administered by the Water Authority.

B. Application

1. The provisions of Chapter 7.40 apply to any person in the use of any water provided by the District and proposed users of District water, as applicable.
2. Chapter 7.40 is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.
3. Nothing in Chapter 7.40 is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water.

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4. The provisions of Chapter 7.40 do not apply to use of water from private wells or to recycled water.
 5. Unless otherwise specifically authorized in this Legislative Code, nothing in Chapter 7.40 shall apply to use of water that is subject to a special supply program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program.
- C. Drought Response Level 1: Drought Watch Condition
1. A Drought Response Level 1 condition is also referred to as a “Drought Watch” condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager may declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this Section.
 2. During a Level 1 Drought Watch condition, District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:
 - a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
 - b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
 - c. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.
 - d. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
 - e. Irrigate nursery and commercial grower’s products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment or rotating nozzles are used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
 - f. Use re-circulated water to operate ornamental fountains.

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- g. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
- h. Serve and refill water in restaurants and other food service establishments only upon request.
- i. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
- j. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager.
- k. Use recycled or non-potable water for construction purposes when available and feasible.

D. Drought Response Level 2: Drought Alert Condition

- 1. A Drought Response Level 2 condition is also referred to as a “Drought Alert” condition. A Level 2 condition applies when the Water Authority notifies its member agencies, including the District, that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to twenty percent (20%) is required in order to have sufficient supplies available to meet anticipated demands. The District’s Board of Directors may declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this Chapter 7.40.
- 2. All District water use shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert and shall also comply with the following additional conservation measures:
 - a. Limit residential and commercial landscape irrigation to no more than two (2) days per week. During the months of November through May, landscape irrigation is limited to no more than once per week. This section shall not apply to commercial growers or nurseries.
 - b. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per watering day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and rotating nozzles.
 - c. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section D(2)(a) above, on the same schedule set forth in Section D(2)(a) above, by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

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- d. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with the General Manager.
 - e. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.
 - f. No irrigating outdoors during and within 48 hours following measurable rainfall.
 - g. Irrigation with potable water of ornamental turf on public street medians is prohibited.
3. During a Drought Response Level 2 condition, the District Board of Directors may find that drought conditions are such that an emergency condition exists and may take additional action to declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350. In the event of a declared Drought Emergency, no applications for new potable metered water service or upsizing of metered water service shall be accepted, no new temporary meters or permanent meters shall be provided and no new statements of ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability, commitment letters, agency clearance forms, out-of-district potable water service agreements) shall be issued, except under the following circumstances:
- a. A valid, unexpired building permit has been issued for the project; or
 - b. The project is necessary to protect the public's health, safety, and welfare; or
 - c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District, in its sole discretion.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore services that have been interrupted for less than a year.

4. The District may establish a water allocation for property served by the District using a method that does not penalize persons for the prior implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation, the District shall provide notice of the allocation by including the allocation in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Chapter. For the purpose of assessing

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administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

E. Drought Response Level 3: Drought Critical Condition

1. A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to forty percent (40%) is required in order to have sufficient supplies available to meet anticipated demands. The District Board of Directors may declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this policy.
2. All District water use shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices and measures during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:
 - a. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the District. This section shall not apply to commercial growers or nurseries.
 - b. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section E(2)(a), on the same schedule set forth in Section E(2)(a) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.
 - c. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a Drought response level under this Chapter 7.40.
 - d. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.
 - e. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager.

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3. During a Drought Response Level 3 condition, the District Board of Directors may find that drought conditions are such that an emergency condition exists and may declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350. In the event of a declared Drought Emergency, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided and no applications for new potable metered water service or upsizing of metered water service shall be accepted, no new temporary meters or permanent meters shall be provided and no new statements of ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability, commitment letters, agency clearance forms, out-of-district potable water service agreements) shall be issued, except under the following circumstances:
 - a. A valid, unexpired building permit has been issued for the project; or
 - b. The project is necessary to protect the public's health, safety, and welfare; or
 - c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District, in its sole discretion.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore services that has been interrupted for less than a year.

4. The District may establish a water allocation for property served by the District using a method that does not penalize persons for the prior implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation, the District shall provide notice of the allocation by including the allocation in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Chapter. For the purpose of assessing administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

F. Drought Response Level 4: Drought Emergency Condition

1. A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than forty

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percent (40%) percent in order for the Authority to have maximum supplies available to meet anticipated demands. Upon declaration by the Authority of a Drought Emergency Condition, the District may declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*

2. All District water use shall comply with conservation practices and measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:
 - a. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.
 - i. Maintenance of trees and shrubs that are watered on the same schedule set forth in Section E(2)(a) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
 - ii. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
 - iii. Maintenance of existing landscaping for erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;
 - v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section E(2)(a) above;
 - vi. Watering of livestock; and
 - vii. Public works projects and actively irrigated environmental mitigation projects.
 - b. Repair all water leaks within twenty-four (24) hours of notification by the District unless other arrangements are made with the General Manager.

The District may establish a water allocation for property served by the District. If the District establishes water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Any penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed

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for violation of this Chapter. For the purpose of assessing administrative fines pursuant to Chapter 7.40.041, each billing period in which an allocation is exceeded shall count as a separate violation. Subsequent violations that occur during a calendar year shall count cumulatively for the purpose of assessing administrative fines for second violations and additional violations.

G. Correlation Between Drought Management Plan and Drought Response Levels

1. The correlation between the Water Authority's Drought Management Plan ("DWP") stages and the District Drought response levels identified in this Chapter is described herein. Under DMP Stage 1, the District may implement Drought Response Level 1 actions. Under DMP Stage 2, the District would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the District may implement Drought Response Level 2, Level 3, or Level 4 actions.

The Drought Response Levels identified in this Chapter correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 - Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40%	Stage 3
4 - Drought Emergency	Mandatory	Above 40%	Stage 3 or 4

H. Procedures for Determination and Notification of Drought Response Level

1. The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the District and provided to the District Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website.
2. The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the District Board of Directors adopted at a regular or special public meeting held in accordance with State law, including but not limited to Water Code section 350 *et seq.* The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall become effective as stated in the Board Resolution. Within ten (10) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices.
3. The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable

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to Drought Response Level 4 conditions shall become effective as stated in the Board Resolution. Within ten (10) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall become effective as stated in the Board Resolution.

4. The General Manager may declare the end of Drought Response Level 1. The District Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

Section 7.40.041 Violations and Penalties.

- A. Violation of Chapter 7.40. Any person, who uses, causes to be used, or permits the use of water in violation of this Chapter 7.40 is guilty of an offense punishable as provided herein.
- B. Separate Offense. Each day that a violation of this Chapter 7.40 occurs is a separate offense.
- C. Administrative Fines. Administrative fines may be levied for each violation of a provision of this Chapter 7.40 as follows:
 1. One hundred dollars (\$100) for a first violation.
 2. Two hundred dollars (\$200) for a second violation of any provision of this ordinance within one (1) calendar year.
 3. Five hundred dollars (\$500) for each additional violation of this ordinance within one (1) calendar year.
- D. Administrative Procedures for Imposing Fines.
 1. Notice of Violation. If the District General Manager determines to impose a fine on a person ("violator") who has violated any provision of Chapter 7.40, he or she shall cause a written notice of the violation to be sent to the violator. The notice shall provide in sufficient detail the violation(s), the amount of the penalty being imposed, and the date or times by which the penalty shall be paid to the District. The notice shall notify the violator that the fine will be imposed in the violator's next water bill and that the violator may appeal the District's imposition of the fine in writing within ten (10) calendar days of the date of said notice. Service of any notice required under this Section shall be made by the following means:
 - a. Personal service in the same manner as a summons in a civil action;
or

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the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be a form prescribed by the District.
 2. Supporting Documentation. The application shall be accompanied by documentation, such as but not limited to, water bills, invoices and receipts, photographs, maps, drawings, and other information, including a written statement of the applicant demonstrating those water conservation measures undertaken by the applicant.
 3. Required Findings for Variance. An application for a variance may be denied if it is found that, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:
 - a. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.
 - b. That because of special circumstances applicable to the property or its use, the strict application of Chapter 7.40 would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.
 - c. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.
 - d. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.
 4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. The variance shall specify the duration for which the variance applicable to the subject property shall apply.
- C. Appeals to District Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the District Board of Directors within ten (10) days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo (granting no deference to the prior decision of the General Manager) by following the variance procedure delineated in Section 7.40.042(A) through (B), (1)-(4) above. The decision of the District Board of Directors is final.

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Chapter 7.42

EMERGENCY USE OF WATER FROM SUTHERLAND RESERVOIR

Contents:

Section 7.42.010	Purpose.
Section 7.42.020	Policy.
Section 7.42.030	Implementation of the Policy.

Section 7.42.010 Purpose.

To provide criteria and guidelines to staff for use of water from Sutherland Reservoir when levels are below the normal range.

Section 7.42.020 Policy.

To minimize use of water from Sutherland Reservoir during periods of drought or limited water availability. It shall be the policy of the Ramona Municipal Water District to maintain the maximum amount of water available within Sutherland Reservoir while providing essential water services to the customers of the District.

During periods designated by the Board of Directors as States of Emergency, staff shall utilize the policy implementation criteria to govern any use of water from the reservoir. Emergency conditions are defined as follows:

- A. Occurrences when the source of water supply from the CWA is interrupted;
- B. When demand is anticipated to be such that storage and supplies will be inadequate to maintain basic firefighting and health safety supply to customers.

Section 7.42.030 Implementation of the Policy.

The General Manager, District Engineer and/or Operations Officer shall monitor and maintain control of the District water-distribution system, including the ready status of the Sutherland Dam and Bargar Plant facility.

In the event that emergency conditions as defined in this policy require the operation of the Bargar Plant and use of water from the Sutherland Reservoir, the General Manager and/or his designee shall notify the Board of Directors as soon as possible or within twenty-four hours of having to implement an emergency use of the water from the reservoir. If, in the opinion of the General Manager or designee, that a potential need exists to use water from Sutherland Reservoir due to forecasted weather or storage system conditions, the Board of Directors shall be notified as soon as known in order to determine if Board approval for that use is necessary. Once notified, if one or more members of the Board of Directors has concerns with the projected

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need to use the Sutherland Reservoir, a meeting of the Board of Directors shall be scheduled and the issue be put on the agenda for their review. However, such an action shall not prevent the General Manager or his designee from implementing the emergency actions contained in this policy pending the review by the Board.

The General Manager shall provide a monthly report to the Board on the status of water availability and usage for Sutherland Reservoir.

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Chapter 7.44

RECYCLED WATER

Contents:

Section 7.44.010	Findings.
Section 7.44.015	Reclaimed Water Facilities.
Section 7.44.020	Applicability.
Section 7.44.030	Authorized Uses for Recycled Water.
Section 7.44.035	Mandatory Use.
Section 7.44.040	Rules and Regulations.
Section 7.44.045	Recycled Water Rate.
Section 7.44.050	Illegal Connections.
Section 7.44.060	Public Nuisance.
Section 7.44.070	Enforcement and Penalties.
Section 7.44.071	Injunction Allowed.
Section 7.44.072	Permit Revocation.
Section 7.44.073	Violation: Penalty.
Section 7.44.074	RWQCB Enforcement.
Section 7.44.075	Remedies Cumulative.
Section 7.44.080	Applying for Recycled Water Service.
Section 7.44.090	Determination of Recycled Water Meter Size.
Section 7.44.100	New Recycled Water Service.
Section 7.44.110	Abandoned Recycled Water Service.
Section 7.44.120	Meter Modification Due to Exceeding Meter Flow.
Section 7.44.130	Recycled Water Service Installation.
Section 7.44.140	Excess Recycled Water.

Section 7.44.010 Findings.

The District hereby finds the following:

- A. The policies described in this Chapter and incorporated into the Rules and Regulations adopted pursuant to this Chapter are in the best interest of the District.
- B. This Chapter is necessary to protect the common water supply of the region which is vital to public health and safety, and to prevent endangerment of public and private property.
- C. This Chapter is further necessary for compliance with California Regional Water Quality Control Board, San Diego Region orders regulating recycled water production at the Ramona Municipal Water District San Vicente Treatment Plant and the Ramona Municipal Water District Santa Maria Water Reclamation Plant.

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- D. San Diego County is highly dependent on limited imported water for domestic, agricultural and industrial uses. By developing and utilizing recycled water, the need for additional imported water can be reduced.
- E. Certain uses of domestic water may be considered unreasonable or to constitute a nuisance where recycled water is available or production of recycled water is unduly impaired.

Section 7.44.015 Reclaimed Water Facilities.

- A. It is the mission of the District to continue to promote the transformation of wastewater into recycled water, and to increase its reclaimed water presence in the region to meet increasing demand, for the following purposes:
 - 1. To safeguard water resources within the District;
 - 2. To offset demand for potable and imported water;
 - 3. To provide water sources for uses including agricultural irrigation, landscaping and golf courses, and
 - 4. To provide an alternative to the discharge of treated wastewater into surface waters.
- B. The Santa Maria and San Vicente Wastewater Treatment Plants facilitate the purposes set forth in subsection A by creating, storing and selling reclaimed water, in addition to performing traditional sewage treatment functions. Accordingly, the District hereby finds the following:
 - 1. The San Vicente Wastewater Treatment Plant is renamed the San Vicente Water Reclamation Plant, and shall be referred to by this name wherever it is used in this Code;
 - 2. The Santa Maria Wastewater Treatment Plant is renamed the Santa Maria Water Reclamation Plant, and shall be referred to by its new name wherever it is used in this Code; and
 - 3. The reclaimed water portions of the San Vicente Water Reclamation Plant and the Santa Maria Water Reclamation Plant are assigned to the sewer side of District operations.

Section 7.44.020 Applicability.

The requirements set forth in this Chapter and the Rules and Regulations adopted pursuant to this Chapter pertain to reclaimed and recycled water service provided by the District within the District's service area and for which valid waste discharge requirements have been established. These rules and regulations establish design and operational criteria for facilities using recycled water. These include full recognition of Title 17, Chapter 5 of the California Administrative Code dealing with protection of public water supplies by ensuring no cross connection, and full

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recognition of the Health Department "Guidelines for Use of Recycled Water for Irrigation and Impoundments."

Section 7.44.030 Authorized Uses for Recycled Water.

The uses of recycled water include only uses approved by the California Department of Public Health and for which Title 22 of the Administrative Code provides treatment requirements. Each use must be considered for approval by the District on a case-by-case basis. The District may determine, in its discretion, the need for additional conditions and may set forth specific requirements as a condition of providing recycled water service, and may require specific prior approval from the appropriate regulatory agencies. Recycled water for customer use shall be provided on a first come, first served basis, as long as recycled water is available. The District shall not be obligated to provide service beyond its capacity to do so.

Section 7.44.035 Mandatory Use.

- A. The following types of uses shall generally require recycled water: agricultural irrigation, construction use, landscape irrigation, landscape and/or recreation impoundments, and wildlife habitat, these being called "mandatory" types of use. Use of potable water by any person, customer, or property for mandatory recycled water uses is prohibited where recycled water is available and offered by the District to the property, suitable for the use, and the use of recycled water for the mandatory use is economically feasible.
- B. Where recycled water service is available, suitable for the use, and economically feasible, the District may require existing customers to convert to or to maintain recycled water for mandatory types of uses. The District will require applicants for new water service to provide for separate recycled systems for mandatory types of uses associated with future development that would otherwise be served with potable water, where recycled water service is currently available to the property or planned for the near future.
- C. The only exceptions to the mandatory use of recycled water shall be based upon a finding by the District that conversion to and use of recycled water would not be economically feasible or that use of recycled water presents a special public health or safety concern.
- D. The District Engineer has the authority to issue mandatory use determinations and the General Manager has the authority to rule on any appeals of such determinations as more specifically detailed in the Rules and Regulations.
- E. Upon notification by the District, all mandatory recycled water users shall successfully complete the application process detailed within the District's Recycled Water Rules and Regulations and comply with all required conditions, including entering into any user agreements that are required for the service.

Section 7.44.040 Rules and Regulations.

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- A. The District General Manager or designee shall develop, adopt, and implement Rules and Regulations to implement the requirements of this Chapter, and State and Federal laws regulating the production, sale and use of recycled water. The General Manager, or his designee, has the authority to enter into any necessary user permits or agreements for the provision of recycled water if required by the Rules and Regulations.
- B. The District General Manager or designee shall update the Rules and Regulations as necessary to maintain compliance with all applicable State and Federal laws, rules, regulations, and permits regulating the production, sale and use of recycled water.
- C. Any and all uses of recycled water within the District shall be in compliance with the Rules and Regulations.

Section 7.44.045 Recycled Water Rate.

It is the policy of the District to price recycled water at a rate below the price of potable water and to also take into consideration the reasonable cost of providing the recycled water service to encourage existing customers of the District to convert existing uses to recycled water where appropriate. All recycled water rates and charges will be as set forth in a resolution adopted by the Board of Directors. The District reserves the right to change any of the rates or service charges at any time.

Section 7.44.050 Illegal Connections.

No person shall make connection to a recycled water distribution system of the District without a permit and/or contract as determined by the District.

Section 7.44.060 Public Nuisance.

- A. Discharge of wastes or the use of recycled water in any manner in violation of this chapter or of any permit issued hereunder is declared a public nuisance and shall be corrected or abated as directed by the District. Any person creating such a public nuisance is guilty of a misdemeanor.
- B. The use of recycled water shall not cause pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.

Section 7.44.070 Enforcement and Penalties.

- A. Any person, firm, corporation, association or agency found to be violating any provision of this Chapter, the Rules and Regulations adopted pursuant to this Chapter or the terms and conditions of the customer's service agreement, permit or any applicable federal, state or local statute, regulation, resolution, ordinance or other requirement shall be served by the District with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory

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correction thereof. The offender shall immediately, or within the period of time stated in such notice, permanently cease all violations.

- B. Failure to permanently cease all violations as specified by the District shall result in revocation of the permit by the District and termination of recycled water service.
- C. In cases where the serious nature of the violations described above requires immediate action, the District may, in its sole discretion, immediately cease recycled water service, subject to a timely decision on permanent revocation of permit by the Board of Directors of the Ramona Municipal Water District.
- D. Re-establishment of Recycled Water Service. Any request to re-establish service subsequent to revocation of the permit or contract and the termination of recycled water service shall be in the manner described for initially obtaining service from the District, which may include the collection of a security deposit. The District may, at its discretion, deny re-establishment of service or require that an agreement of financial security conditioned upon compliance with these rules and regulations be provided. The foregoing provisions of these rules and regulations are a requirement of any permit, and any application for service and permit therefore shall be subject to such provisions.

Section 7.44.071 Injunction Allowed.

Whenever a discharge of wastes or use of recycled water is in violation of this chapter or otherwise causes or threatens to cause a condition of nuisance, the District may seek injunctive relief as may be appropriate to enjoin such discharge or use.

Section 7.44.072 Permit Revocation.

In addition to any other statute or rule authorizing termination of water service, the District may revoke a permit issued hereunder if a violation of any provision of this chapter is found to exist or if a discharge of wastes or use of recycled water causes or threatens to cause a nuisance.

Section 7.44.073 Violation: Penalty.

- A. Any owner and/or operator who violates this chapter shall, for each day of violation, or portion thereof, be subject to fines as follows:
 - 1. For the first violation, a fine not exceeding fifty dollars (\$50).
 - 2. For a second violation within twelve months of the first violation, a fine not exceeding one hundred dollars (\$100).
 - 3. For a third or any subsequent violation within twelve months of the first violation, a fine not exceeding two hundred fifty dollars (\$250).
- B. In addition, water service to the property may be discontinued due to a violation(s) of this chapter.

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Section 7.44.074 RWQCB Enforcement.

The California Regional Water Quality Control Board, San Diego Region may initiate enforcement action against any recycled water user who:

- A. Discharges recycled water in violation of any applicable discharge requirement prescribed by the Regional Board or in a manner which creates or threatens to create conditions of pollution, contamination, or nuisance, as defined in California Water Code section 13050.
- B. Uses, transports, or stores such water in violation of the rules and regulations governing the design, construction and use of recycled water distribution and disposal systems issued by the Recycled Water Agency in accordance with this attachment; or in a manner which creates or threatens to create conditions of pollution, contamination, or nuisance, as defined in California Water Code section 13050.

Section 7.44.075 Remedies Cumulative.

The enforcement provisions of this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

Section 7.44.080 Applying for Recycled Water Service.

- A. To determine what conditions will be set by the District for providing recycled water service to a development or parcel requires execution of an "Application for Recycled Water Service" as defined in the District's Recycled Water Rules and Regulations.
- B. Application for Recycled Water Service - Any interested party, individual, partnership, corporation, or other legal entity, including the owner of a development or parcel, may execute an "Application for Recycled Water Service" as outlined in the District's Recycled Water Rules and Regulations to define what conditions will be set by the District for providing recycled water service. All requirements of the District Recycled Water Rules and Regulations shall be completed by the interested party prior to provision of recycled water service.
- C. Notification of Conditions for Recycled Water Service - The District will notify the applicant, in accordance with the District Recycled Water Rules and Regulations, in writing with a letter as to the conditions that shall be met to obtain recycled water service, which will include submitting a deposit. All conditions, costs, fees and charges specified in the letter shall be valid for 180 days from the date the application was executed. If new information is submitted after the "Notification of Conditions for Recycled Water Service" per the District Recycled Water Rules and Regulations is provided to the applicant, a new application, deposit and fees will be required. The deposit shall be determined by the District Engineer based on

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the complexity and overall requirements of the proposed project, but shall not be less than \$2,000, consistent with Chapter 2.44 of this Code.

- D. Recycled Water Service - No recycled water service shall be installed, until the "Application for Recycled Water Service" has been approved by the District, all conditions met and an amount sufficient to pay all fees, deposits, and charges has been paid to the District and all offsite improvements are completed. Fees are not refundable but unused deposit moneys shall be refunded upon completion of all conditions of recycled water service having been met and a final audit of the account is completed, which is typically three months after all conditions are met.

Section 7.44.090 Determination of Recycled Water Meter Size.

- A. The recycled water meter size for a new recycled water service or a change in recycled water service shall be determined based on the identified recycled water demand and as set forth in the District Recycled Water Rules and Regulations. The District Engineer shall have the sole discretion to assign meter sizes for recycled water uses.

Section 7.44.100 New Recycled Water Service.

An applicant requesting new recycled water service shall pay all fees, deposits, and installation costs associated with the requested recycled water service.

Section 7.44.110 Abandoned Recycled Water Service.

- A. An applicant applying for abandonment of recycled water service shall acknowledge in writing on a form acceptable to the District that:
 - 1. The recycled water service is being abandoned,
 - 2. That to obtain recycled water service for the same parcel in the future will require applying for new recycled water service in accordance with the District Recycled Water Rules and Regulations, and payment of all then current fees and charges, and
 - 3. There is no credit for any fees or deposits paid for the recycled water service being abandoned.
- B. The District may declare a metered recycled water service as "abandoned" because of failure of owner to pay for recycled water service.
- C. If a recycled water service is abandoned for any reason, the owner will be required to pay the cost of removal of the recycled water service lateral and fixtures. The owner shall make a deposit for a "Lateral Meter Installation Deposit", as defined in Section 7.16.030 of this Code, to cover the cost of abandoning.

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Section 7.44.120 Meter Modification Due to Exceeding Meter Flow.

- A. If the actual flow through a recycled water meter causes physical damage to the meter or result in erroneous readings, the District shall require that the owner increase the meter size to avoid future damage to the meter. The cost to increase meter size shall be paid by the owner.

Section 7.44.130 Recycled Water Service Installation.

- A. Recycled water services shall be installed in accordance with the District Recycled Water Rules and Regulations.

Section 7.44.140 Excess Recycled Water.

The General Manager has the authority to enter into any necessary agreements with customers related to forced deliveries of excess recycled water if necessary for District operations.

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Chapter 7.46

**SAN DIEGO COUNTY WATER PROJECT
FACILITY AVAILABILITY FORMS**

Contents:

- Section 7.46.010** **General Provisions.**
Section 7.46.020 **Guidelines for Issuance and Reissuance of Water Project Facility
Availability Forms.**
Section 7.46.030 **Conformance Determination.**

Section 7.46.010 **General Provisions.**

- A. This policy intends to address 1) projects within the district's water service area, and 2) projects outside the district's water service area.
- B. The projects as set forth in Section 7.46.010 will be processed in accordance with the guidelines in Section 7.46.020 below.

Section 7.46.020 **Guidelines for Issuance and Reissuance of Water Project Facility
Availability Forms.**

- A. Requests for County Water Project Facility Availability Forms for projects within the District's water service area will be processed as follows:
 - 1. The owner/developer will be required to complete the top half of the form.
 - 2. The district shall complete the bottom half of the Water Project Facility Availability Form stating that:
 - a. Project is in the District boundary/water service area.
 - b. Water facilities are or are not reasonably expected to be available within five (5) years.
 - c. And other information as required.
- B. Requests for Water Project Facility Availability Forms for projects outside the District's water service area will be processed as follows:
 - 1. The owner/developer will be required to complete the top half of the form.
 - 2. The District shall complete the bottom half of the Water Project Facility Availability Form, stating the following:

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- a. The project is not within the District boundary/water service area.
- b. Water facilities are or are not reasonably expected to become available within five (5) years, if the following conditions are met:
 - i. If a pre-annexation agreement is signed by the owner/developer and approved by the District's Board of Directors whereby the District will request consideration from LAFCO to expand the boundary and Sphere of Influence to include the project area and the owner/developer will assure the District that all actual costs of the facilities required by the project, including, but not limited to, administrative costs, design costs, construction costs and the cost of a percentage of the value of the existing facilities, will be paid solely by the owner/developer in a timely fashion. The pre-annexation agreement should state that the facilities required by the project will need to be completed before any connections shall be made.
 - ii. If the District adopts a resolution applying to LAFCO for expansion of its boundary and Sphere of Influence to include the area.
 - iii. If LAFCO approves the annexation to include the area.
- c. The District shall include with the Water Project Facility Availability Form a copy of this Resolution.

Section 7.46.030 Conformance Determination.

Determination of conformance with the Ramona Community Plan shall be the responsibility of the owner/developer. District evaluations shall be based on the information provided in the top half of the water project availability form. Project descriptions such as boundary adjustments, rezones (reclassification), major use permits, specific plan amendments or certificates of compliance may be required to provide an informational report or other proof of conformance with the Ramona Community Plan.

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Chapter 7.52

SANTA MARIA SEWER SERVICE AREA: RULES AND REGULATIONS

Contents:

Section 7.52.010	General Provisions.
Section 7.52.020	Definitions.
Section 7.52.030	Sewer Connection Permits, Fees, and Deposits.
Section 7.52.040	Sewer Service Charge: Established.
Section 7.52.050	Equivalent Dwelling Units (EDUs): Established.
Section 7.52.060	Sewer System Use: Rules and Regulations: Implementation and Purpose.
Section 7.52.070	Use of the Public Sewers: Restrictions.
Section 7.52.080	Hazardous Discharges: District Options.
Section 7.52.090	Waste Flow Pretreatment.
Section 7.52.100	Industrial Permits.
Section 7.52.110	Fees and Charges.
Section 7.52.120	Entry Upon Private Property to Enforce Provisions.
Section 7.52.130	Grease, Oil and Sand Interceptors.
Section 7.52.140	Users Outside the District.
Section 7.52.150	Sewer Line Extension Policy.
Section 7.52.160	Implementation of Provisions.
Section 7.52.170	Challenges to Provisions.
Section 7.52.180	Revocation or Suspension of Permits: Enforcement Authority.
Section 7.52.190	Revocation or Suspension of Permits: Disconnection of Facilities.
Section 7.52.200	Revocation or Suspension of Permits: Notice.
Section 7.52.210	Violation: Responsibility for Loss or Damage.
Section 7.52.220	Enforcement Measures in Case of Delinquency.
Section 7.52.230	Board of Directors Enforcement.

Section 7.52.010 General Provisions.

- A. Provisions Not Affected by Headings. Article and section headings contained herein shall not be deemed to govern, limit or modify or in any manner affect the scope, meaning or intent of any section hereof.
- B. Tenses. The present tense includes the past and future tenses; and the future, the present.
- C. Masculine Gender. The masculine gender includes the feminine and neuter.
- D. Number. The singular number includes the plural, and the plural includes the singular.
- E. "Shall" and "May." "Shall" is mandatory and "may" is permissive.

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- F. Authority. This ordinance codified in this chapter is adopted pursuant to Water Code Sections 71590, 71670 through 71674 and 71689.26.

Section 7.52.020 Definitions.

Signification of Words. Whenever in this chapter the following terms are used, they shall have the meaning respectively ascribed to them in this section.

"Accessory Dwelling Unit" ("ADU") means a habitable living unit (fixed or mobile) added to, created within, or detached from a single-family dwelling unit that provides the basic requirements for living, sleeping, eating, cooking, and sanitation, typically referred to as a "granny flat" or "guest house".

"Board" or "Board of Directors" means the governing body of the Ramona Municipal Water District.

"BOD" denotes the unit of measurement of biochemical oxygen demand and means quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory for procedures five days at twenty degrees C. expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal. It is the responsibility of the property owner to maintain the building sewer so no infiltration or inflow occurs.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"District" means the Ramona Municipal Water District and its duly authorized representatives.

"District Engineer" means the executive in charge of engineering or designated representative.

"Dwelling unit" means any structure (fixed or mobile) designed and used for residential occupancy, is a habitable living unit that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

"Establishment" means a place of business where a company, concern, corporation, enterprise, factory, firm, etc. conducts its business and occupies all or a portion of a parcel or building as an owner or tenant.

"Equivalent dwelling unit (EDU)" is a measure where one unit is equivalent to two hundred gallons/day of sewage, with suspended solids of two hundred milligrams per liter, and BOD of two hundred milligrams per liter.

"Fiscal year" means the period from July 1st, to the following June 30th, both inclusive.

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"Garbage" means solids wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

"General Manager" means the executive officer of the District or designated representative.

"Gravity sewer" means the sanitary sewer collection and transmission systems designed to collect raw aerobic sewage. This would normally include eight inches minimum sized mains flowing open to atmosphere, including manholes. The District's responsibility for these systems and laterals is denoted in Board Policy No. 4.

"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trades, labs or businesses as distinct from sanitary sewage.

"Infiltration and inflow" means storm or ground water that enters the sewer system, either in private or public sewers.

"Interceptor tank" means the portion of a pressure sewer system where solid and floating material is trapped. Only interceptor tank effluent is allowed into the sanitary sewer.

"Landowner" means landowner or any authorized representative.

"Natural outlet" means any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

"Occupancy type" is the type of use made of a space in an establishment as described in Section 7.52.050 "Equivalent dwelling units (EDUs) – Established". Typically an establishment may have several occupancy types within its space.

"On lot facility" means that portion of the District owned pressure sewer collection system that is located on the property it serves. It usually consists of the interceptor tank(s), pumps, controls, and service line.

"Parcel" means a contiguous area of land defined by an Assessor's Parcel Number.

"Person" means any individual, firm, company, association, society, corporation or group.

"pH" is a measurement of acidity or lack thereof and shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Pressure sewer" means a sanitary sewer that is designed to transport sewage under pressure. Each connection to this system requires a sewage pump and is protected from the system by a check valve. A pressure sewer system may not always be pressurized. A pressure sewer system includes interceptor tanks, pumps, electrical controls and service lines as well as collections and transmission mains. The entire pressure sewer system is owned and maintained by the District. Easements for facilities on private property must be granted to the District.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any direction.

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"Public sewer" means a sewer that is controlled by the Ramona Municipal Water District.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Senior" means senior citizen person who is fifty-five years of age or more.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall" is mandatory; "may" is permissive.

"Sludge" means any discharge of waste, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, which are removable by laboratory filtering.

"Transmission main" means a sewer pipeline for the purpose of transporting treated, partially treated or raw sewage from a sewer service area to the treatment facilities. No new sewer services are available to properties or easements fronting on a designated transmission main.

"Treatment facilities" means a District owned, operated and maintained sewage treatment works.

Section 7.52.030 Sewer Connection Permits, Fees, and Deposits.

- A. The use of a sewer connection shall be limited to the type and number of EDU's authorized by the sewer connection permit. Before connecting or adding any EDU's, buildings, modifying existing buildings, or changing occupancy type, the property owner shall make application to the District and pay such fees and deposits as may be applicable for a sewer system evaluation, connection permit, capacity charge, and other fees. Periodic inspections of the premises may be made by the District and if a change in use is found, additional fees, deposits and charges shall be assessed in accordance with the current district fee resolution or ordinance.

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- B. Fees and Deposits shall be charged as follows:
1. Applicants for sewer service or changes in sewer service shall pay a nonrefundable preliminary application fee of one hundred dollars (\$100). The District will determine as part of the preliminary application process if a sewer system evaluation is required.
 2. Applicants for sewer service or changes in sewer service shall pay a nonrefundable sewer capacity charge within the meaning of Government Code section 66013 equal to the amount of thirteen thousand ninety dollars (\$13,090) per equivalent dwelling unit, payable in full when established by the District or at a later time which the District may authorize in its sole discretion. The amount established by this subsection shall be adjusted one (1) time each year, commencing on January 1 after the effective date of this subsection and continuing on each January 1, or as soon thereafter as is feasible. Such adjustment shall be no greater than the amount directly proportionate to the percentage change in the Engineering News-Record Construction Cost Index (20-Cities Average) since the previous update to the sewer capacity charge.
 - a. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges. In addition, it shall not be required for an owner to install a new or separate connection directly between the accessory dwelling unit and the District, and no related connection fee or capacity charge shall be assessed for an accessory dwelling unit.
 3. At the time a sewer connection permit application is submitted to the District, the applicant shall pay a nonrefundable inspection fee of one hundred fifty dollars (\$150).
 4. At the time a sewer connection permit application is submitted to the District, the applicant shall pay a prorated sewer service charge equal to the amount due from the date of the executed application to the end of the fiscal year. The sewer service charge will then be billed under the normal billing cycles.
 5. Other fees in addition to the fees and charges noted above may be established from time to time.
- C. A sewer system evaluation and connection permit shall be required for any property requesting new or changed sewer service into the District's sewerage systems.

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- D. Sewer connection permits shall expire one year from the date of its issuance. Upon expiration, inspection fees and deposits paid by an applicant shall be forfeited and the applicant shall be required to submit a new sewer connection permit application and pay inspection fees and deposits in effect at the time. All construction associated with a sewer connection permit must be completed and be given final inspection by the District within the one-year period. A sewer connection permit that has not expired may be extended for a one-year period at the sole discretion of the District based upon hardship or other circumstances beyond the party's control. A written request from the applicant must specify the grounds warranting an extension of time and be received by the District before the permit has expired.
- E. In the event a property is modified by a lot split or boundary adjustment, the owner shall assign, in writing, which property is entitled to sewer service.

Section 7.52.040 Sewer Service Charge: Established.

- A. There is levied and assessed upon each parcel in the District that discharges sewage directly or indirectly into the sewer lines of the District, an annual sewer service charge per EDU as established by the Board of Directors of the District from time to time.
- B. Sewer service charges are collected biannually on the tax rolls and commence upon execution of the sewer connection permit application.
- C. Applicants shall pay all sewer fees and charges as amended from time to time.
- D. Ramona Parks Recreational Association shall have 18.8 EDU assigned for use in the Wellfield Community Park and shall not pay more than \$4,785.02 annual service charges for the 18.8 EDUs.

Section 7.52.050 Equivalent Dwelling Units (EDUs): Established.

- A. The equivalent dwelling units for a parcel are determined based on the occupancy types of the establishments occupying a space, building, or parcel as set forth in the "SCHEDULE OF EDUs FOR OCCUPANCY TYPES " herein. In the case of one occupancy type operated by the same establishment but in different suites or buildings on the same parcel the number of EDUs shall be determined as if the occupancy type was all located in one space, suite or building. The EDUs for each occupancy type operated by an establishment shall be determined separately and the minimum number of EDUs applies to each occupancy type. The EDUs for each occupancy type are combined to determine the total EDUs for the establishment. The sum of the EDUs for the establishments on a parcel will then be summed to determine the total EDUs for a parcel. The District, in its sole discretion, shall determine the total EDUs for an occupancy type, establishment, and parcel.

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The number of equivalent dwelling units (EDUs) so determined shall be used in computing the annual sewer services charges, total fees, and other charges.

- B. EDUs for sewer service shall be determined from the following schedule except as revised by the Board of Directors from time to time. The minimum number of EDUs is one per occupancy type unless otherwise specified in the schedule.

<u>SCHEDULE OF EDUs FOR OCCUPANCY TYPES</u>	<u>EDUs</u>
1. Single family residences on a parcel Fixed or mobile	1.0
Additional EDUs for:	
Accessory dwelling unit	
Studio	0.8
One Bedroom	0.9
Two or more Bedrooms	1.0
Accessory dwelling unit without kitchen	0.5
Recreational vehicle connected to sewer	0.6
2. Apartments – duplex or greater	
Studio	0.8
1-Bedroom	0.9
2-Bedroom + above	1.0
3. Condominium/Townhouse	
Per dwelling unit	1.0
4. Hotel/Motel,	
Each unit with kitchen or kitchenette	0.8
Each unit without kitchen	0.5
5. Churches, theaters and auditoriums	
County Approved Occupancy	
Assembly space per 150 occupants	1.33
Other space per occupancy type	
6. Automobile fueling stations:	
4 pumps or less	2.0
More than 4 pumps	3.0
7. R.V. holding tank disposal station	
Per station	1.0
8. Mobile home/R.V. Park	
Each mobile home space	1.0
Each R.V. space, occupied or not	0.6
9. Self service laundries	
Per washing machine	0.75

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10.	Restaurant/food service/café/bar	
	<u>Take-out</u> (sandwich/yogurt/ice cream/ coffee shops & bakeries or equivalent, with under 12 seats.	2.6
	<u>Take-out</u> (sandwich/ yogurt/ ice cream/ coffee shops & bakeries or equivalent with over 12 seats)	
	For each 1000 sq. ft. of floor space	2.6
	But not less than	2.6
	<u>Sit-down Service</u>	
	For each 1000 sq ft of floor space	2.6
	But not less than	2.6
11.	Grocery store, supermarket, mini-mart	
	For each 1000 sq. ft.	0.5
12.	Office, retail	
	For each 1000 sq. ft.	0.5
13.	Municipal	
	For each 1000 sq. ft.	0.4
14.	Unknown (this applies to new suites and buildings or shopping centers, mall, industrial parks, office buildings, etc where there has been no occupancy type assigned and tenant is unknown)	
	For each 1000 sq. ft.	0.4
15.	Light industrial/medical/technical	
	For each 1000 sq. ft.	0.3
16.	Retail and banks greater than 5,000 sq. ft.	
	For each 1000 sq. ft.	0.2
17.	Car wash:	
	Where water is held and reused 100%	1.0
	Where water is not reused 100%, an individual assessment on projected water use	
18.	Mortuary	1.0
19.	Hospital	
	Per bed	0.65
20.	Convalescent, Boarding home	
	Per bed	0.30
21.	Warehouse/Storage Units	
	Per 1000 sq. ft.	0.10
22.	Barber Shop	
	For each chair	0.50

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23.	Hair Salon For each chair	0.75
24.	School (public or private) Elementary schools per student Junior high schools per student High schools per student	1/60 1/40 1/30

The number of students shall be average daily attendance of students plus staff at the school during the preceding fiscal year in accordance with the Education Code of the State of California.

- C. In the case of occupancy types not included in the "SCHEDULE OF EDUs FOR OCCUPANCY" the number of EDUs shall be determined at the sole discretion of the District Engineer by selecting an approximate occupancy type from the table that best fits the occupancy type of the establishment. No other method of determining EDUs shall be used without prior Board approval. In no case shall the EDUs assigned be less than one EDU.

- D. The District may at any time, or upon Owner request, perform a re-evaluation of the EDU level required to serve a parcel. If the District determines that a decrease in the number of EDU's is warranted the District shall not refund any connection fees or service charges, but may allow a reduction in future service charges per sub-section F. Should an increase in EDUs be required, the Owner shall pay current capacity charges and other applicable charges based on the increase in EDUs, however prior year(s) service charges shall not be adjusted. If the increase in EDUs is the result of an undocumented building addition then Legislative Code Section 7.88.020 "Billing for undocumented sewer connections" shall apply. If the increase in EDUs is the result of changes in property use for a parcel with an existing sewer connection, then Legislative Code Section 7.88.022 "Billing Existing Sewer Connections with Changes in Use Only" shall apply.

- E. If an Owner requests a re-evaluation of the number of sewer EDUs to determine if a decrease in the current number of EDUs is warranted a preliminary application for a change in service shall be executed in accordance with Legislative Code Section 7.52.030 "Sewer connection permits, fees, and deposits". For all non-single family residential parcels, the Owner shall provide the District with drawings at a legible scale of all buildings and structures located on the Parcel. Plans shall have the area, type of use, and occupancy type for each establishment and structure listed and be stamped and signed by a licensed architect or civil engineer.

- F. If a reduction in EDUs is justified, the owner may request an appropriate adjustment to future service charges by abandoning the excess EDUs. The Owner shall sign and notarize an agreement abandoning all rights to the excess EDU(s) and acknowledging that: 1) no credit or refund will be given for any prior payment of connection fees, mitigation fees, capacity charges, or annual service charges as a result of the abandoning of the EDUs, and 2) if additional EDUs are requested after abandoning excess EDUs the request shall be processed as a change in sewer service in accordance with Legislative Code Section 7.52.030 "Sewer connection permits, fees, and deposits".

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- G. A landowner may request transfer of surplus sewer capacity, calculated in EDUs, between adjacent, contiguous parcels on a case by case basis upon approval by the District Engineer. To transfer sewer capacity between two or more existing parcels, the landowner shall request reevaluation of existing sewer capacity by the District in accordance with Legislative Code Section 7.52.050.E to determine the availability of surplus sewer capacity. Transfer of sewer capacity may be approved by the District Engineer only if all of the following criteria are met:
1. Transfer of sewer capacity is between parcels owned by the same person at the time of the transfer;
 2. The transferring and receiving parcels are adjacent to and contiguous with each other;
 3. The landowner shall pay all fees and charges required to connect transferring and receiving parcels to the public sewer in accordance with District standards;
 4. The landowner shall pay all fees and charges required to maintain minimum sewer capacity required by District Legislative Code Section 7.52.050.B for both transferring and receiving parcels, based on each parcel's individual land use at the time of transfer;
 5. The transferring and receiving parcels shall have current sewer accounts with no outstanding charges. The District Engineer may, but is not required to, make an exception from this requirement for liens properly recorded in accordance with other District Legislative Code sections; and
 6. The transferring and receiving parcels shall have sewer laterals with exposed property line cleanouts in accordance with District Standards.

Upon completion of the sewer capacity reevaluation for the transferring and receiving parcels and a determination that excess sewer capacity exists, the District Engineer may, but is not required to, approve the transfer of sewer capacity between the subject parcels. If approved, the landowner shall enter into a Sewer Capacity Transfer Agreement with the District documenting the transfer of sewer capacity between the subject properties.

Section 7.52.060 Sewer System Use: Rules and Regulations: Implementation and Purpose.

- A. The General Manager is authorized and empowered to implement such rules and regulations as may be deemed reasonably necessary to protect the sewer system, to control and regulate the proper use thereof and to provide for the issuance of sewer connection permits; provided however, that the terms and provisions of such rules and regulations shall be promulgated in a manner best directed to result in the uniform control and use of the sewer system. Provided further that such rules and regulations shall not become effective until approved

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by the Board of Directors and a copy of such rules and regulations is filed in the District's file.

- B. Purpose of Rules and Regulations.
1. The purpose of rules and regulations is to set forth the terms and conditions under which the District will provide sewage disposal service to customers.
 2. These rules and regulations have been designed to regulate the affairs of the District in such a way as to provide sewer service to customers at the lowest possible cost and to provide for an equitable distribution of costs among those benefited.
 3. The District shall have the right to interpret these rules and to rule on any point of contention governed by this chapter.

Section 7.52.070 Use of the Public Sewers: Restrictions.

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, surface drainage, cooling water, swimming pool drainage or unpolluted industrial process water into any sanitary sewer. Storm water and all listed above shall be discharged to storm drainage systems or natural drainage areas.
- B. No person shall discharge or cause to be discharged any gasoline, benzene, naphtha, fuel oil, used oil or other flammable or explosive liquids, solid or gas, or any other material defined as hazardous or toxic waste into any sanitary system.
- C. No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works.
- D. No person shall discharge or cause to be discharged any of the following:
1. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;
 2. Any waters or wastes having a pH lower than 5.5, or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
 3. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair

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and fleshing, entrails, paper dishes, cups, milk containers, and paper towels either whole or ground by garbage grinders;

The following described substances, materials, waters or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the General Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are, but not limited to:

- a. Any liquid or vapor having a temperature higher than one hundred fifty degrees F or sixty-five degrees C,
- b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not with suspended solids in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees F,
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the District,
- d. Any waters or wastes containing strong acid or pickling wastes, or concentrated plating solutions whether neutralized or not,
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, in such a degree that such material received in the composite sewage at the sewage treatment works exceeds the limits established by the District for such materials,
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters,
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable state or federal regulations,
- h. Any materials which exert, or cause: Unusual concentrations of inert suspended solids (such as, but not limited to, fillers, earth, lime

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slurries, and lime fillers residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate); unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; unusual volume of flow or concentration of wastes,

- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters,
- j. Any brines, or brine discharges from water softening units in industries, commercial establishments and private dwellings.

Section 7.52.080 Hazardous Discharges: District Options.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in Sections 7.52.060 through 7.52.120, and which in the judgment of the District may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer fees and charges imposed by the District.

Section 7.52.090 Waste Flow Pretreatment.

If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District, and subject to the requirement of all applicable codes, ordinances and laws.

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes, sand or other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection. See Section 7.52.120 of these rules and regulations for requirements.

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- B. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's sole expense.
- C. When required by the District, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible to the District at all times.
- D. All measurement, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. In the event that no special manhole has been required, the sampling or control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples. All cost of analyses shall be paid solely by the customer.
- E. No statement contained in Sections 7.52.060 through 7.52.120 shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to service conditions and/or fees established by the District.

Section 7.52.100 Industrial Permits.

- A. No person shall connect to or otherwise discharge, or cause to be discharged into the sewer system of the District any industrial wastewater unless said person has theretofore filed with the District, an application for an industrial wastewater discharge permit and the General Manager has issued such a permit. The permit shall establish the fees to be paid in terms of EDUs.
- B. No permit shall be issued to any person to discharge industrial wastewater into the sewer system of the District if such discharge: (1) will be a hazard or danger to the health or safety of any person; (2) or to the property of any person or if such discharge will result in a danger to the capacity, construction, use or proper performance or utilization of the sewer system; (3) injurious to such systems and unless the applicant has complied with all state, federal and local laws and with

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all the provisions of this chapter and with all the applicable rules and regulations adopted as provided for herein.

Initial evaluation of industrial service will be made by the General Manager of the District and will be based on the estimated use which the customer will make of the District's system.

- C. Formula for calculating industrial EDUs, same as Section 7.52.050(C).

Section 7.52.110 Fees and Charges.

- A. Use of District's facilities is prohibited unless all fees and charges have been paid. No person shall discharge, or allow the discharge of, or dump sewage or other waste matter into the District's sewerage system except when in compliance with the terms of this chapter.
- B. The fees and charges established by this chapter or by any District fee ordinance or resolution may be modified or amended by the District Board of Directors at any time.
- C. All fees and charges collected pursuant to the District fee ordinances or resolutions, shall be deposited in the proper sanitation division fund of the District.

Section 7.52.120 Entry Upon Private Property to Enforce Provisions.

In the event of reasonable suspicion, the General Manager and/or his duly authorized agents and employees are authorized and shall be permitted to enter upon all properties at all reasonable times for the purpose of inspection, observation, measurement, sampling, testing or other reasons to assure the enforcement and proper application of all the provisions of this chapter and the rules and regulations adopted by the Board of Directors as herein provided. Any customer who denies permission to enter the premises may be subject to termination of sewer service following notice and a hearing before the Board of Directors of the District.

Section 7.52.130 Grease, Oil and Sand Interceptors.

- A. Grease, oil and sand interceptors or traps shall be provided at owner's expense when, in the judgment of the General Manager or designee, such devices are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand or other harmful materials which can be trapped. Such interceptors or traps shall not be required for private dwelling units. Prior to the installation of any interceptor or trap, drawings and specifications shall be submitted to the District for approval. All interceptors and traps shall be located so as to be readily accessible for cleaning and inspection.

Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding sudden and extreme changes in temperature. All such devices shall be of substantial construction, water-tight, and equipped with easily

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removable covers which, when bolted in place, shall be gastight and watertight, unless otherwise authorized by the General Manager or designee.

- B. All grease, oil and sand interceptors or traps shall be maintained in effective operation at all times by and at the expense of the user. Waste discharge from fixtures and equipment in establishments which may contain grease, including but not limited to, scullery sinks, pot and pan sinks, dish washing machines, soup kettles and floor drains located in areas where grease-containing materials may exist, may be drained into the sanitary waste through the interceptor when approved by the District. Toilets, urinals and other similar fixtures shall not waste through the interceptor.
- C. All waste shall enter the interceptor through the inlet pipe only.
- D. Design.
 - 1. Interceptors shall be constructed in accordance with the design approved by the District and shall have a minimum of two compartments with fittings designed for grease retention.
 - 2. There shall be an adequate number of manholes to provide access for cleaning all areas of an interceptor: a minimum of one per ten feet of interceptor length. Manhole covers shall be gastight in construction having a minimum opening dimension of twenty inches.
 - 3. In areas where traffic may exist the interceptor shall be designed to have adequate reinforcement and cover.
- E. Location.
 - 1. Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the General Manager.
 - 2. Interceptors shall be placed as close as practical to the fixtures it serves.
- F. Sizing Grease Interceptors. Each business establishment for which a grease interceptor is required shall have an interceptor which shall serve only that establishment.
- G. Sizing Criteria. As referenced in the current Uniform Plumbing Code.
- H. Effluent Sampling. An effluent sampling box on grease interceptors is required by the District. District personnel may sample and inspect for adequacy at any time.
- I. Abandoned Grease Interceptors. Abandoned grease interceptors shall be pumped and filled as required for abandoned sewers and sewage disposal facilities in the most current Uniform Plumbing Code.

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Section 7.52.140 Users Outside the District.

The Board of Directors of the District may establish by agreement or resolution the fees and charges and such other conditions as it deems appropriate that shall be imposed for providing sewer service to premises located outside of the District; provided, that such fees and charges shall not be less than would apply to similar service within the District.

Section 7.52.150 Sewer Line Extension Policy.

The intention of this section is: (1) to provide guidelines for staff in approving and reviewing development plans, sewer line extensions, building permits, sewer system connections, etc.; and (2) to provide reasonable, predictable guidelines for property owners.

- A. Goals. The goals of this policy are to:
 - 1. Provide an adequate system for serving all users and potential users within the District in an orderly, efficient and economical manner;
 - 2. Provide a system which allows for efficient and economical maintenance;
 - 3. Provide a system which has easy, efficient access to District facilities, such as cleanouts and manholes;
 - 4. Provide a reliable, safe and sanitary collection system.

- B. Provisions. The District's basic requirement is that no private sewer lateral shall be allowed to cross a property line or (if in a public street) across the extension of a property line, except as provided by this policy or, upon appeal, by the Board of Directors. The provisions of this policy apply to any new applicant or property owner who seeks to extend or modify District facilities, or to connect to the District's collection system.
 - 1. A private lateral may be allowed across property lines in private easements to serve a single-family residence, provided no more than two parcels would be served by a public sewer line, either in the present or in the future.
 - 2. No more than one property may be served by a single lateral. Multiple connections must be by public sewer line.
 - 3. Sewer laterals between the sewer main and the edge of a public right-of-way or District easement if not already existing shall be installed by the owner, at the owner's sole expense as specified by the District, and shall remain the property of the District.
 - 4. Routine maintenance, except for repair and replacement, and cleaning of laterals inside and outside of public right-of-ways or District easements up to the sewer main shall be the sole responsibility of the property owner. The District shall only be responsible for repair and replacement of

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laterals within public right-of-ways and District easements. The property owner is responsible to install and maintain an accessible sewer lateral cleanout on their property within ten feet of the public right-of-way.

5. The District has no obligation to provide sewer by other than gravity flow. Private sewer pumps shall be installed, maintained and operated by the property owner.
6. Condominium projects may be served with private on-site sewer collection systems with the written approval of the District.
7. The private road easements for public road purposes in the area northerly of Main Street (generally known as Ramona Acres and delineated on Record of Survey Maps No. 1502, No. 1824, No. 2660 and No. 3331) are considered to be public streets for the purposes of this policy. Private sewer line extensions ("laterals") are not allowed in these easements.
8. An applicant who is allowed to install a private lateral which crosses property lines shall be required to execute a lien contract which is recorded with the county recorder. This agreement (on a form and in a manner specified by the District) binds all present and future owners of all or part of the property to pay their fair share should a public sewer line afterwards be installed, whether by another owner, the District or an assessment District.
9. Public sewer lines shall be designed to serve off-site property within the District, where practical. Should improvements, excessive pipe sizes, or excessive depths be required which solely benefit off-site property, the District may assume the additional cost. The District may establish a reimbursement agreement to recover its contribution from off-site properties which benefit from the improvements or excessive sizes or depths.
10. An applicant or property owner who installs off-site public sewer lines may enter into a reimbursement agreement to recover the costs of the off-site improvements, if approved by the District, in its sole discretion. The form and conditions of this agreement shall be established by the District from time to time.
11. The District will recognize the requirements placed on discretionary projects (such as use permits, subdivisions, rezones, etc.) by the county of San Diego. The District will not alter those requirements as part of the improvement plan or building plan review process. The District may place different conditions on a project if that project changes in character or scope, or if the project requires subsequent discretionary approvals.
12. The District recognizes the covenant of improvements placed on minor land divisions by the county of San Diego. The District will agree to remove covenants when the terms of the covenant are met.

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13. The District does not place requirements on certificates of compliance or boundary adjustments.
14. The District normally requires only those easements which are necessary for the immediate construction and long term maintenance of pipelines. If the locations of future pipelines are clear, the District may require additional easements for future use, provided that the easements coincide with road easements.

Section 7.52.160 Implementation of Provisions.

The staff of the District shall implement the provisions of this chapter in conjunction with adopted policies, ordinances, resolutions and standards. If the staff feels that greater improvements are required in any case, the staff shall require those greater improvements. The applicant or property owner may appeal the staff's decision to the Board of Directors.

Section 7.52.170 Challenges to Provisions.

Any person desiring to challenge any provision of this chapter must submit the grounds for challenge with supporting authority in writing, to the Board of Directors of the District for consideration. Failure to do so shall be grounds to bar any subsequent suit on the grounds of failure to exhaust administrative remedies.

Section 7.52.180 Revocation or Suspension of Permits: Enforcement Authority.

The General Manager is charged with the duty of enforcing the provisions of this chapter and the rules and regulations herein provided.

Section 7.52.190 Revocation or Suspension of Permits: Disconnection of Facilities.

The General Manager may recommend to the Board of Directors revocation or suspension of the permit issued to any person in the event of a violation by the permittee of any provision of any applicable state, federal or local law or this chapter or any of the rules and regulations adopted in the manner provided for herein. Following notice and a hearing before the Board of Directors, the District may disconnect from the public sewer and sewer connection, main line sewer, or other facility which is constructed, connected or used without a permit, or constructed, connected or used contrary to any of the provisions of any applicable state, federal or local law or this chapter or the rules and regulations adopted as provided for herein. When a premise has been disconnected, it shall not be reconnected until the violation for which it was disconnected has ceased or been remedied and a reasonable charge for such disconnection and reconnection, as established by the General Manager, has been paid. If the General Manager determines that the violation is creating an emergency endangering the public health, safety or welfare, the General Manager may temporarily suspend or revoke the permit pending notice and a hearing before the Board of Directors of the District.

Section 7.52.200 Revocation or Suspension of Permits: Notice.

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The General Manager shall give not less than five days' notice of intention to recommend disconnection of a premise or to suspend or revoke a permit, stating the reasons therefore, and may grant a reasonable time for elimination of the violation; provided, however, that if the General Manager determines that the danger is imminent, and such action is necessary for the immediate protection of the health, safety or welfare of persons or property, or for the protection of the sewer system, any premise may be temporarily disconnected and service terminated concurrently with the giving of such notice, pending notice and a hearing before the Board of Directors of the District. Notice shall be given to the occupant of the premise, if any, and to the owner of record of the property as shown upon the last equalized assessment roll of the county of San Diego by United States mail, registered or certified, return receipt requested, postage prepaid and by posting such notice on the premise.

Section 7.52.210 Violation: Responsibility for Loss or Damage.

Any person violating any provision of this chapter or any rule or regulation adopted as herein provided shall be liable for all damage to the sewer system incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation.

Section 7.52.220 Enforcement Measures in Case of Delinquency.

When any fee or charge imposed by this chapter or any other fee resolution or ordinance becomes delinquent, the General Manager is authorized to take any or all of the following actions:

Disconnect the premise from the District's sewerage system; provided, however, that prior to such disconnection at least ten days' written notice of such disconnection shall be given to the occupant and to the owner of record of the premise by United States mail and by posting such notice on the premise. The premise shall be disconnected upon expiration of the ten days unless the occupant has provided the General Manager with a letter from a medical doctor licensed in California indicating that termination of service will aggravate an existing medical condition of the occupant. When a premise has been disconnected it shall not be reconnected until all delinquent fees and charges have been paid together with a reasonable charge for such disconnection and reconnection as established by the General Manager plus the penalties provided herein.

Section 7.52.230 Board of Directors Enforcement.

The Ramona Municipal Water District Board of Directors may take enforcement measures as provided by the State of California Water Code, Section 71689.27.

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Chapter 7.54

SAN VICENTE SEWER SERVICE AREA: RULES AND REGULATIONS

Contents:

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Section 7.54.220	Enforcement Measures in Case of Delinquency.
Section 7.54.230	Board of Directors Enforcement.

Section 7.54.010 General Provisions.

- A. Provisions Not Affected By Headings. Article and section headings contained herein shall not be deemed to govern, limit or modify or in any manner affect the scope, meaning or intent of any section hereof.
- B. Tenses. The present tense includes the past and future tenses; and the future, the present.
- C. Masculine Gender. The masculine gender includes the feminine and neuter.
- D. Number. The singular number includes the plural, and the plural includes the singular.
- E. "Shall" and "may." "Shall" is mandatory and "may" is permissive.

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- F. Authority. This chapter is adopted pursuant to Water Code Sections 71590, 71670 through 71674 and 71689.26.

Section 7.54.020 Definitions.

Signification of Words. Whenever in this chapter the following terms are used, they shall have the meaning respectively ascribed to them in this section.

"Accessory Dwelling Unit" ("ADU") means a habitable living unit (fixed or mobile) added to, created within, or detached from a single-family dwelling unit that provides the basic requirements for living, sleeping, eating, cooking, and sanitation, typically referred to as a "granny flat" or "guest house".

"Board" or "Board of Directors" means the governing body of the Ramona Municipal Water District.

"BOD" denotes the unit of measurement of biochemical oxygen demand and means quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory for procedures five days at twenty degrees C. expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal. It is the responsibility of the property owner to maintain the building sewer so no infiltration or inflow occurs.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"District" means the Ramona Municipal Water District and its duly authorized representatives.

"District Engineer" means the executive in charge of engineering or designated representative.

"Dwelling unit" means any structure (fixed or mobile) designed and used for residential occupancy, is a habitable living unit that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

"Establishment" means a place of business where a company, concern, corporation, enterprise, factory, firm, etc. conducts its business and occupies all or a portion of a parcel or building as an owner or tenant.

"Equivalent dwelling unit (EDU)" is a measure where one unit is equivalent to two hundred gallons/day of sewage, with suspended solids of two hundred milligrams per liter, and BOD of two hundred milligrams per liter.

"Fiscal year" means the period from July 1st, to the following June 30th, both inclusive.

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"Garbage" means solids wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

"General Manager" means the executive officer of the District or designated representative.

"Gravity sewer" means the sanitary sewer collection and transmission systems designed to collect raw aerobic sewage. This would normally include eight inches minimum sized mains flowing open to atmosphere, including manholes. The District's responsibility for these systems and laterals is denoted in RMWD Board Policy No. 4.

"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trades, labs or businesses as distinct from sanitary sewage.

"Infiltration and inflow" means storm or ground water that enters the sewer system, either in private or public sewers.

"Interceptor tank" means the portion of a pressure sewer system where solid and floating material is trapped. Only interceptor tank effluent is allowed into the sanitary sewer.

"Landowner" means landowner or any authorized representative.

"Natural outlet" means any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

"Occupancy type" is the type of use made of a space in an establishment as described in Section 7.54.050 "Equivalent dwelling units (EDUs) – Established". Typically an establishment may have several occupancy types within its space.

"On lot facility" means that portion of the District owned pressure sewer collection system that is located on the property it serves. It usually consists of the interceptor tank(s), pumps, controls, and service line.

"Parcel" means a contiguous area of land defined by an Assessor's Parcel Number.

"Person" means any individual, firm, company, association, society, corporation or group.

"pH" is a measurement of acidity or lack thereof and shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Pressure sewer" means a sanitary sewer that is designed to transport sewage under pressure. Each connection to this system requires a sewage pump and is protected from the system by a check valve. A pressure sewer system may not always be pressurized. A pressure sewer system includes interceptor tanks, pumps, electrical controls and service lines as well as collections and transmission mains. The entire pressure sewer system is owned and maintained by the District. Easements for facilities on private property must be granted to the District.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any direction.

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"Public sewer" means a sewer that is controlled by the Ramona Municipal Water District.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Senior" means senior citizen person who is fifty-five years of age or more.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall" is mandatory; "may" is permissive.

"Sludge" means any discharge of waste, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, which are removable by laboratory filtering.

"Transmission main" means a sewer pipeline for the purpose of transporting treated, partially treated or raw sewage from a sewer service area to the treatment facilities. No new sewer services are available to properties or easements fronting on a designated transmission main.

"Treatment facilities" means a District owned, operated and maintained sewage treatment works.

Section 7.54.030 Sewer Connection Permits, Fees, and Deposits.

- A. The use of a sewer connection shall be limited to the type and number of EDUs authorized by the sewer connection permit. Before connecting or adding any EDUs, buildings, modifying existing buildings, or changing occupancy type, the property owner shall make application to the District and pay such fees and deposits as may be applicable. Periodic inspections of the premises may be made by the District and if a change in use is found, additional fees shall be assessed in accordance with the current District fee resolution or ordinance.
- B. Fees and deposits shall be charged as follows:

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1. Applicants who are not part of Assessment District 99-1 or have not paid the applicable capacity charges as specified herein and desire to connect to the District's sewer facilities or connect additional EDUs shall pay a nonrefundable sewer capacity charge equal to the sum of thirteen thousand one hundred and seventeen (\$13,117) per equivalent dwelling unit, payable in full, at the time the sewer connection permit application is submitted to the District.

The amount established by this subsection shall be adjusted one (1) time each year, commencing on January 1 after the effective date of this subsection and continuing on each January 1, or as soon thereafter as is feasible. Such adjustment shall be no greater than the amount directly proportionate to the percentage change in the Engineering News-Record Construction Cost Index (20-Cities Average) since the previous update to the sewer capacity charge.

- a. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges. In addition, it shall not be required for an owner to install a new or separate connection directly between the accessory dwelling unit and the District, and no related connection fee or capacity charge shall be assessed for an accessory dwelling unit.

2. At the time a sewer connection permit application is submitted to the District, the applicant shall pay a non-refundable inspection fee of one hundred fifty dollars (\$150.00).
3. At the time a sewer connection permit application is submitted to the District, the applicant shall pay a prorated sewer service charge equal to the amount due from the date of the executed application to the end of the fiscal year. The sewer service charge will then be billed under the normal billing cycles.

Separate fees in addition to these basic fees may be established from time to time.

The monthly sewer service charge shall commence upon payment of all fees and deposits and execution of the sewer connection permit application.

- C. A sewer connection permit shall be required for any property requesting discharge into the District's sewer systems.
- D. Sewer connection permits shall expire one year from the date of issuance. Upon expiration, inspection fee and deposit paid by an applicant shall be forfeited and the applicant shall be required to submit a new sewer connection permit application and pay inspection fee and deposit in effect at the time. All construction associated with the sewer connection permit must be completed and be given a final inspection by the District within the one-year period. A sewer connection permit that has not expired may be extended for a one-year period at the sole discretion of the District based upon hardship or other circumstances.

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beyond the party's control. The applicant must submit a written request specifying the grounds warranting an extension of time.

- E. In the event a property is modified by a lot split or boundary adjustment, the owner shall assign, in writing, which property is entitled to sewer service.

Section 7.54.040 Sewer Service Charge: Established.

- A. There is levied and assessed upon each parcel in the District that discharges sewage directly or indirectly into the sewer lines of the District, an annual sewer service charge per EDU as established by the Board of Directors of the District from time to time.
- B. Sewer service charges are collected biannually on the tax rolls and commence upon execution of the sewer connection permit application.
- C. Applicants shall pay all sewer fees and charges as amended from time to time.

Section 7.54.050 Equivalent Dwelling Units (EDUs): Established.

- A. The equivalent dwelling units for a parcel are determined based on the occupancy type of the establishments occupying the parcel as set forth in the "Schedule of EDUs for Establishments" herein. In the case of multiple occupancy types in the same establishment, the EDUs for each occupancy type shall be determined separately and then combined to determine the total EDUs for the establishment. The sum of the EDUs for the establishments on a parcel will then be summed to determine the total EDUs for a parcel. The District, in its sole discretion, shall determine the total EDUs for a parcel. The number of equivalent dwelling units (EDUs) so determined shall be used in computing the annual sewer services charges, total fees, and other charges.
- B. EDUs for sewer connections shall be determined from the following schedule except as revised by the Board of Directors from time to time. The minimum number of EDUs is one per establishment unless otherwise specified in the schedule.

<u>SCHEDULE OF EDUs FOR ESTABLISHMENTS</u>		<u>EDUs</u>
1.	Single family residences on a parcel Fixed or mobile	1.0
	Additional EDUs for:	
	Accessory dwelling unit	
	Studio	0.8
	One Bedroom	0.9
	Two or more Bedrooms	1.0
	Accessory dwelling unit without kitchen	0.5
	Recreational vehicle connected to sewer	0.6

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2.	Apartments – duplex or greater	
	Studio	0.8
	1-Bedroom	0.9
	2-Bedroom + above	1.0
3	Condominium/Townhouse	
	Per Dwelling unit	1.0
4.	Hotel/Motel,	
	Each unit with kitchen or kitchenette	0.8
	Each unit without kitchen	0.5
5.	Churches, theaters and auditoriums	
	County Approved Occupancy	
	Assembly Space per 150	1.33
	Other space per occupancy type	
6.	Automobile fueling stations:	
	4 pumps or less	2.0
	More than 4 pumps	3.0
7.	R.V. holding tank disposal station	
	Per station	1.0
8.	Mobile home/R.V. Park	
	Each mobile home space	1.0
	Each R.V. space, occupied or not	0.6
9.	Self service laundries	
	Per washing machine	0.75
10.	Restaurant/food service/café/bar	
	For each 1000 sq. ft. of floor space	2.6
	But not less than	2.6
11.	Grocery store, supermarket, mini-mart	
	For each 1000 sq. ft.	0.5
12.	Office, retail	
	For each 1000 sq. ft.	0.5
13.	Municipal	
	For each 1000 sq. ft.	0.4
14.	Unknown Establishment	
	For each 1000 sq. ft.	0.4
15.	Light industrial/medical/technical	
	For each 1000 sq. ft.	0.3
16.	Retail and banks greater than 5,000 sq. ft.	

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	For each 1000 sq. ft.	0.2
17.	Car wash:	
	Where water is held and reused 100%	1.0
	Where water is not reused 100%, an individual assessment on projected water use	
18.	Mortuary	1.0
19.	Hospital	
	Per bed	0.65
20.	Convalescent, Boarding home	
	Per bed	0.30
21.	Warehouse/Storage Units	
	Per 1000 sq. ft.	0.10
22.	School (public or private)	
	Elementary schools per student	1/60
	Junior high schools per student	1/40
	High schools per student	1/30

The number of students shall be average daily attendance of students plus staff at the school during the preceding fiscal year in accordance with the Education Code of the State of California.

- C. In the case of occupancy types not included in the “SCHEDULE OF EDUs FOR ESTABLISHMENTS” the number of EDUs shall be determined at the sole discretion of the District Engineer by selecting an approximate occupancy type that best fits the occupancy type of the establishment. No other method of determining EDUs shall be used without prior Board approval. In no case shall the EDUs assigned be less than one EDU.

- D. The District may at anytime, or upon Owner request, perform a re-evaluation of the EDU level required to serve a parcel. If the District determines that a decrease in the number of EDUs is warranted the District shall not refund any connection fees, capacity charges, or service charges, but may allow a reduction in future service charges per sub-section F. Should an increase in EDUs be required, the Owner shall pay current capacity charges and any other applicable charges based on the increase in EDUs, however prior year(s) service charges shall not be adjusted. If the increase in EDUs is the result of an undocumented building addition then Legislative Code Section 7.88.020 “Billing for undocumented sewer connections” shall apply. If the increase in EDUs is the result of changes in property use for a parcel with an existing sewer connection, then Legislative Code Section 7.88.022 “Billing Existing Sewer Connections with Changes in Use Only” shall apply.

- E. If an Owner requests a re-evaluation of the number of sewer EDUs to determine if a decrease in the current number of EDUs is warranted a preliminary application for a change in service shall be executed in accordance with

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Legislative Code Section 7.54.030 “Sewer connection permits, fees, and deposits”. For all non-single family residential parcels, the Owner shall provide the District with drawings at a legible scale of all buildings and structures located on the Parcel. Plans shall have the area, type of use, and occupancy type for each structure listed and be stamped and signed by a licensed architect or civil engineer.

- F. If a reduction in EDUs is justified, the owner may request an appropriate adjustment to future service charges by abandoning the excess EDUs. The Owner shall sign and notarize an agreement abandoning all rights to the excess EDU(s) and acknowledging that; 1) no credit or refund will be given for any prior payment of connection fees, mitigation fees, capacity charges, or annual service charges as a result of a the abandoning of the EDUs, and 2) if additional EDUs are requested after abandoning excess EDUs the request shall be processed as a change in sewer service in accordance with Legislative Code Section 7.54.030 “Sewer Connection Permits, Fees, and Deposits”.
- G. A landowner may request transfer of surplus sewer capacity, calculated in EDUs, between adjacent, contiguous parcels on a case by case basis upon approval by the District Engineer. To transfer sewer capacity between two or more existing parcels, the landowner shall request reevaluation of existing sewer capacity by the District in accordance with Legislative Code Section 7.54.050.E to determine the availability of surplus sewer capacity. Transfer of sewer capacity may be approved by the District Engineer only if all of the following criteria are met:
1. Transfer of sewer capacity is between parcels owned by the same person at the time of the transfer;
 2. The transferring and receiving parcels are adjacent to and contiguous with each other;
 3. The landowner shall pay all fees and charges required to connect transferring and receiving parcels to the public sewer in accordance with District standards;
 4. The landowner shall pay all fees and charges required to maintain minimum sewer capacity required by District Legislative Code Section 7.54.050.B for both transferring and receiving parcels, based on each parcel’s individual land use at the time of transfer;
 5. The transferring and receiving parcels shall have current sewer accounts with no outstanding charges. The District Engineer may, but is not required to, make an exception from this requirement for liens properly recorded in accordance with other District Legislative Code sections; and
 6. The transferring and receiving parcels shall have sewer laterals with exposed property line cleanouts in accordance with District Standards.

Upon completion of the sewer capacity reevaluation for the transferring and receiving parcels and a determination that excess sewer capacity exists, the District Engineer may, but is not required to, approve the transfer of sewer

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capacity between the subject parcels. If approved, the landowner shall enter into a Sewer Capacity Transfer Agreement with the District documenting the transfer of sewer capacity between the subject properties.

Section 7.54.060 Sewer System Use: Rules and Regulations: Implementation and Purpose.

- A. The General Manager is authorized and empowered to implement such rules and regulations as may be deemed reasonably necessary to protect the sewer system, to control and regulate the proper use thereof and to provide for the issuance of sewer connection permits; provided however, that the terms and provisions of such rules and regulations shall be promulgated in a manner best directed to result in the uniform control and use of the sewer system. Provided further that such rules and regulations shall not become effective until approved by the Board of Directors and a copy of such rules and regulations is filed in the District's file.
- B. Purpose of Rules and Regulations.
 - 1. The purpose of rules and regulations is to set forth the terms and conditions under which the District will provide sewage disposal service to customers.
 - 2. These rules and regulations have been designed to regulate the affairs of the District in such a way as to provide sewer service to customers at the lowest possible cost and to provide for an equitable distribution of costs among those benefited.
 - 3. The District shall have the right to interpret these rules and to rule on any point of contention governed by this chapter.

Section 7.54.070 Use of the Public Sewers.

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, surface drainage, cooling water, swimming pool drainage or unpolluted industrial process water into any sanitary sewer. Storm water and all listed above shall be discharged to storm drainage systems or natural drainage areas.
- B. No person shall discharge or cause to be discharged any gasoline, benzene, naphtha, fuel oil, used oil or other flammable or explosive liquids, solid or gas, or any other material defined as hazardous or toxic waste into any sanitary system.
- C. No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works.
- D. No person shall discharge or cause to be discharged any of the following:

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1. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity; either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;
2. Any waters or wastes having a pH lower than 5.5, or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
3. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshing, entrails, paper dishes, cups, milk containers, and paper towels either whole or ground by garbage grinders;
4. The following described substances, materials, waters or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the General Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are, but not limited to:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty degrees F or sixty-five degrees C,
 - b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not with suspended solids in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees F,
 - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the District,
 - d. Any waters or wastes containing strong acid or pickling wastes, or concentrated plating solutions whether neutralized or not,
 - e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, in such a degree that such material

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received in the composite sewage at the sewage treatment works exceeds the limits established by the District for such materials,

- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters,
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable state or federal regulations,
- h. Any materials which exert, or cause: Unusual concentrations of inert suspended solids (such as, but not limited to, fillers, earth, lime slurries, and lime fillers residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate); unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; unusual volume of flow or concentration of wastes,
- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters,
- j. Any brines, or brine discharges from water softening units in industries, commercial establishments and private dwellings.

Section 7.54.080 Hazardous Discharges: District Options.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in Sections 7.54.060 through 7.54.120, and which in the judgment of the District may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer fees and charges imposed by the District.

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Section 7.54.090 Waste Flow Pretreatment.

If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District, and subject to the requirement of all applicable codes, ordinances and laws.

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes, sand or other harmful ingredients: except that such interceptors shall not be required for private living quarters or dwelling units. All interceptions shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection. See Section 7.54.120 of these rules and regulations for requirements.
- B. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's sole expense.
- C. When required by the District, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible to the District at all times.
- D. All measurement, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. In the event that no special manhole has been required, the sampling or control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all out falls whereas pH's are determined from periodic grab samples. All cost of analyses shall be paid solely by the customer.
- E. No statement contained in Sections 7.54.060 through 7.54.120 shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to service conditions and/or fees established by the District.

Section 7.54.100 Industrial Permits.

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- A. No person shall connect to or otherwise discharge or cause to be discharged into the sewer system of the District any industrial wastewater unless said person has therefore filed with the District, an application for an industrial sewer connection permit and the General Manager has issued such a permit. The permit shall establish the fees to be paid in terms of EDUs.
- B. No permit shall be issued to any person to discharge industrial wastewater into the sewer system of the District if such discharge: (1) will be a hazard or danger to the health or safety of any person; (2) to the property of any person or if such discharge will result in a danger to the capacity, construction, use or proper performance or utilization of the sewer system; (3) injurious to such systems and unless the applicant has complied with all state, federal and local laws and with all the provisions of this chapter and with all the applicable rules and regulations adopted as provided for herein. Initial evaluation of industrial service will be made by the General Manager of the District and will be based on the estimated use which the customer will make of the District's system.
- C. Formula for calculating Industrial EDUs, same as Section 7.54.050(C).

Section 7.54.110 Fees and Charges.

- A. Use of District's facilities is prohibited unless all fees and charges have been paid. No person shall discharge, or allow the discharge of, or dump sewage or other waste matter into the District's sewerage system except when in compliance with the terms of this chapter.
- B. The fees and charges established by this chapter or by any District fee ordinance or resolution may be modified or amended by the District Board of Directors at any time.
- C. All fees and charges collected pursuant to the District fee ordinances or resolutions shall be deposited in the proper sanitation division fund of the District.

Section 7.54.120 Entry Upon Private Property to Enforce Provisions.

In the event of reasonable suspicion, the General Manager and/or his duly authorized agents and employees are authorized and shall be permitted to enter upon all properties at all reasonable times for the purpose of inspection, observation, measurement, sampling, testing or other reasons to assure the enforcement and proper application of all the provisions of this chapter and the rules and regulations adopted by the Board of Directors as herein provided. Any customer who denies permission to enter the premises may be subject to termination of sewer service following notice and a hearing before the Board of Directors of the District.

Section 7.54.130 Grease, Oil and Sand Interceptors.

- A. Grease, oil and sand interceptors or traps shall be provided at owner's expense when, in the judgment of the General Manager or designee, such devices are

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necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand or other harmful materials which can be trapped. Such interceptors or traps shall not be required for private dwelling units. Prior to the installation of any interceptor or trap, drawings and specifications shall be submitted to the District for approval. All interceptors and traps shall be located so as to be readily accessible for cleaning and inspection.

Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding sudden and extreme changes in temperature. All such devices shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight, unless otherwise authorized by the General Manager or designee.

- B. All grease, oil and sand interceptors or traps shall be maintained in effective operation at all times by and at the expense of the user. Waste discharge from fixtures and equipment in establishments which may contain grease, including but not limited to, scullery, sinks, pot and pan sinks, dish washing machines, soup kettles and floor drains located in areas where grease-containing materials may exist, may be drained into the sanitary waste through the interceptor when approved by the District. Toilets, urinals and other similar fixtures shall not waste through the interceptor.
- C. All waste shall enter the interceptor through the inlet pipe only.
- D. Design.
 - 1. Interceptors shall be constructed in accordance with the design approved by the District and shall have a minimum of two compartments with fittings designed for grease retention.
 - 2. There shall be an adequate number of manholes to provide access for cleaning all areas of an interceptor: a minimum of one per ten feet of interceptor length. Manhole covers shall be gas tight in construction having a minimum opening dimension of twenty inches.
 - 3. In areas where traffic may exist the interceptor shall be designed to have adequate reinforcement and cover.
- E. Location.
 - 1. Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the General Manager.
 - 2. Interceptors shall be placed as close as practical to the fixtures it serves.
- F. Sizing Grease Interceptors. Each business establishment for which a grease interceptor is required shall have an interceptor which shall serve only that establishment.

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- G. Sizing Criteria. As referenced in the current Uniform Plumbing Code.
- H. Effluent Sampling. An effluent sampling box on grease interceptors is required by the District. District personnel may sample and inspect for adequacy at any time.
- I. Abandoned Grease Interceptors. Abandoned grease interceptors shall be pumped and filled as required for abandoned sewers and sewage disposal facilities in the most current Uniform Plumbing Code.

Section 7.54.140 Users Outside the District.

The Board of Directors of the District may establish by agreement or resolution the fees and charges and such other conditions as it deems appropriate that shall be imposed for providing sewer service to premises located outside of the District; provided, that such fees and charges shall not be less than would apply to similar service within the District.

Section 7.54.150 Sewer Line Extension Policy.

The intention of this section is: (1) to provide guidelines for staff in approving and reviewing development plans, sewer line extensions, building permits, sewer system connections, etc.; and (2) to provide reasonable, predictable guidelines for property owners.

- A. Goals. The goals of this policy are to:
 - 1. Provide an adequate system for serving all users and potential users within the District in an orderly, efficient, and economical manner;
 - 2. Provide a system which allows for efficient, economical maintenance;
 - 3. Provide a system which has easy, efficient access to District facilities, such as clean outs and manholes;
 - 4. Provide a reliable, safe and sanitary collection system.
- B. Provisions. The District's basic requirement is that no private sewer lateral shall be allowed to cross a property line or (if in a public street) across the extension of a property line, except as provided by this policy or, upon appeal, by the Board of Directors. The provisions of this policy apply to any new applicant or property owner who seeks to extend or modify District facilities, or to connect to the District's collection system.
 - 1. A private lateral may be allowed across property lines in private easements to serve a single-family residence, provided no more than two parcels would be served by a public sewer line, either in the present or in the future.
 - 2. No more than one property may be served by a single lateral. Multiple connections must be by public sewer line.

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3. Sewer laterals between the sewer main and the edge of a public right-of-way or District easement if not already existing shall be installed by the owner, at the owner's sole expense as specified by the District, and shall remain the property of the District.
4. Routine maintenance, except for repair and replacement, and cleaning of laterals inside and outside of public right-of-ways or District easements up to sewer main shall be the sole responsibility of the property owner. The District shall only be responsible for repair and replacement of laterals within public right-of-ways and District easements. The property owner is responsible to install and maintain an accessible sewer lateral cleanout on their property within ten-feet of the public right-of-way.
5. The District has no obligation to provide sewer by other than gravity flow. Private sewer pumps shall be installed, maintained and operated by the property owner.
6. Condominium projects may be served with private on-site sewer collection systems with the written approval of the District.
7. The private road easements for public road purposes in the area northerly of Main Street (generally known as Ramona Acres and delineated on Record of Survey Maps No. 1502, No. 1824, No. 2660 and No. 3331) are considered to be public streets for the purposes of this policy. Private sewer line extensions ("laterals") are not allowed in these easements.
8. An applicant who is allowed to install a private lateral which crosses property lines shall be required to execute a lien contract which is recorded with the county recorder. This agreement (on a form and in a manner specified by the District) binds all present and future owners of all or part of the property to pay their fair share should a public sewer line afterwards be installed, whether by another owner, the District or an assessment District.
9. Public sewer lines shall be designed to serve off-site property within the District, where practical. Should improvements, excessive pipe sizes, or excessive depths be required which solely benefit off-site property, the District may assume the additional cost. The District may establish a reimbursement agreement to recover its contribution from off-site properties which benefit from the improvements or excessive sizes or depths.
10. An applicant or property owner who installs off-site public sewer lines may enter into a reimbursement agreement to recover the costs of the off-site improvements, if approved by the District, in its sole discretion. The form and conditions of this agreement shall be established by the District from time to time.
11. The District will recognize the requirements placed on discretionary projects (such as use permits, subdivisions, rezones, etc.) by the county

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of San Diego. The District will not alter those requirements as part of the improvement plan or building plan review process. The District may place different conditions on a project if that project changes in character or scope, or if the project requires subsequent discretionary approvals.

12. The District recognizes the covenant of improvements placed on minor land divisions by the county of San Diego. The District will agree to remove covenants when the terms of the covenant are met.
13. The District does not place requirements on certificates of compliance or boundary adjustments.
14. The District normally requires only those easements which are necessary for the RMWD CODE immediate construction and long term maintenance of pipelines. If the locations of future pipelines are clear, the District may require additional easements for future use, provided that the easements coincide with road easements.

Section 7.54.160 Implementation of Provisions.

The staff of the District shall implement the provisions of this chapter in conjunction with adopted policies, ordinances, resolutions and standards. If the staff feels that greater improvements are required in any case, the staff shall require those greater improvements. The applicant or property owner may appeal the staff's decision to the Board of Directors.

Section 7.54.170 Challenges to Provisions.

Any person desiring to challenge any provision of this chapter must submit the grounds for challenge with supporting authority in writing, to the Board of Directors of the District for consideration. Failure to do so shall be grounds to bar any subsequent suit on the grounds of failure to exhaust administrative remedies.

Section 7.54.180 Revocation or Suspension of Permits: Enforcement Authority.

The General Manager is charged with the duty of enforcing the provisions of this chapter and the rules and regulations herein provided.

Section 7.54.190 Revocation or Suspension of Permits: Disconnection of Facilities.

The General Manager may recommend to the Board of Directors revocation or suspension of the permit issued to any person in the event of a violation by the permittee of any provision of any applicable state, federal or local law or this chapter or any of the rules and regulations adopted in the manner provided for herein. Following notice and a hearing before the Board of Directors, the District may disconnect from the public sewer and sewer connection, main line sewer, or other facility which is constructed, connected or used without a permit, or constructed, connected or used contrary to any of the provisions of any applicable state, federal or local law or this chapter or the rules and regulations adopted as provided for herein. When a premise has

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been disconnected, it shall not be reconnected until the violation for which it was disconnected has ceased or been remedied and a reasonable charge for such disconnection and reconnection, as established by the General Manager, has been paid. If the General Manager determines that the violation is creating an emergency endangering the public health, safety or welfare, the General Manager may temporarily suspend or revoke the permit pending notice and a hearing before the Board of Directors of the District.

Section 7.54.200 Revocation or Suspension of Permits: Notice.

The General Manager shall give not less than five days' notice of intention to recommend disconnection of a premise or to suspend or revoke a permit, stating the reasons therefore, and may grant a reasonable time for elimination of the violation; provided, however, that if the General Manager determines that the danger is imminent, and such action is necessary for the immediate protection of the health, safety or welfare of persons or property, or for the protection of the sewer system, any premise may be temporarily disconnected and service terminated concurrently with the giving of such notice, pending notice and a hearing before the Board of Directors of the District. Notice shall be given to the occupant of the premise, if any, and to the owner of record of the property as shown upon the last equalized assessment roll of the county of San Diego by United States mail, registered or certified, return receipt requested, postage prepaid and by posting such notice on the premise.

Section 7.54.210 Violation: Responsibility for Loss or Damage.

Any person violating any provision of this chapter or any rule or regulation adopted as herein provided shall be liable for all damage to the sewer system incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation.

Section 7.54.220 Enforcement Measures in Case of Delinquency.

When any fee or charge imposed by this chapter or any other fee resolution or ordinance becomes delinquent, the General Manager is authorized to take any or all of the following actions: Disconnect the premise from the District's sewerage system; provided, however, that prior to such disconnection at least ten days' written notice of such disconnection shall be given to the occupant and to the owner of record of the premise by United States mail and by posting such notice on the premise. The premise shall be disconnected upon expiration of the ten days unless the occupant has provided the General Manager with a letter from a medical doctor licensed in California indicating that termination of service will aggravate an existing medical condition of the occupant. When a premise has been disconnected it shall not be reconnected until all delinquent fees and charges have been paid together with a reasonable charge for such disconnection and reconnection as established by the General Manager plus the penalties provided herein.

Section 7.54.230 Board of Directors Enforcement.

The Ramona Municipal Water District Board of Directors may take enforcement measures as provided by the state of California Water Code, Section 71689.27.

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The Ramona Municipal Water District Board of Directors may take enforcement measures as provided by the state of California Water Code, Section 71689.27.

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Chapter 7.55

FATS, OILS AND GREASE

Contents:

Section 7.55.010	Findings.
Section 7.55.020	Rules and Regulations.
Section 7.55.030	Public Nuisance.
Section 7.55.040	Enforcement and Penalties.
Section 7.55.050	Injunction Allowed.
Section 7.55.060	Violation: Penalty.
Section 7.55.070	Remedies Cumulative.

Section 7.55.010 Findings.

The District hereby finds the following:

- A. The policies described in this Chapter and incorporated into the Rules and Regulations adopted pursuant to this Chapter are in the best interest of the District.
- B. This Chapter is necessary to protect the common water supply of the region which is vital to public health and safety, and to prevent endangerment of public and private property.
- C. This Chapter is further necessary to ensure compliance with State Water Resources Control Board Order Number 2006-003-DWQ, regulating sanitary sewer overflows from the Ramona Municipal Water District sewer system.
- D. Discharges of Fats Oils and Grease to sanitary sewer systems are a leading cause of sewer blockages and sanitary sewer overflows. While the District has not frequently suffered sanitary sewer overflows caused by discharges of Fats Oils and Grease to the sewer system, by limiting discharges of such materials, the District can help prevent overflow incidents and the potential environmental degradation associated therewith.

Section 7.55.020 Rules and Regulations.

- A. The District General Manager or designee shall develop and implement Rules and Regulations to implement the requirements of this Chapter, and State and Federal laws regulating the discharge of Fats Oils and Grease to the District's sewer system.
- B. The District General Manager or designee shall update the Rules and Regulations as necessary to maintain compliance with all applicable State and

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Federal laws, rules, regulations, and permits regulating the discharge of Fats Oils and Grease to the District's sewer system.

- C. Notwithstanding any other provision of the Ramona Municipal Water District Legislative Code, any discharges into the District's sewer system shall be in compliance with the Rules and Regulations.

Section 7.55.030 Public Nuisance.

Discharge to the District's sewer system in any manner in violation of this Chapter is declared a public nuisance and shall be corrected or abated as directed by the District. Any person creating such a public nuisance is guilty of a misdemeanor.

Section 7.55.040 Enforcement and Penalties.

- A. Any person, firm, corporation, association or agency found to be violating any provision of this Chapter, the Rules and Regulations adopted pursuant to this Chapter or the terms and conditions of the customer's service agreement, permit or any applicable federal, state or local statute, regulation, resolution, ordinance or other requirement shall be served by the District with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall immediately, or within the period of time stated in such notice, permanently cease all violations.
- B. Failure to permanently cease all violations as specified by the District shall result in revocation of the permit by the District and termination of sewer service.
- C. In cases where the serious nature of the violations described above requires immediate action, the District may, in its sole discretion, immediately cease sewer service, subject to a timely decision on permanent revocation of permit by the board of directors of the District.
- D. Re-establishment of Service. Any request to re-establish service subsequent to revocation shall be in the manner described for initially obtaining service from the District, which may include the collection of a security deposit.

Section 7.55.050 Injunction Allowed.

Whenever a discharge of wastes to the District's sewer system is in violation of this Chapter or otherwise causes or threatens to cause a condition of nuisance, the district may seek injunctive relief as may be appropriate to enjoin such discharge or use.

Section 7.55.060 Violation: Penalty.

- A. Any owner and/or operator who violate this chapter shall, for each day of violation, or portion thereof, be subject to fines as follows:

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1. For the first violation, a fine not exceeding fifty dollars (\$50).
2. For a second violation within twelve months of the first violation, a fine not exceeding one hundred dollars (\$100).
3. For a third or any subsequent violation within twelve months of the first violation, a fine not exceeding two hundred fifty dollars (\$250).

Section 7.55.070 Remedies Cumulative.

The enforcement provisions of this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

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Chapter 7.56

LOCAL SEWER SERVICE BENEFIT AREAS

Contents:

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Section 7.56.020	Boundary Map.
Section 7.56.030	Public Hearing: Notices.
Section 7.56.040	Public Hearing: Procedure.
Section 7.56.050	Resolution of Formation.
Section 7.56.060	Connection Charges: Use of Fund.
Section 7.56.070	Connection Charges: Payment.
Section 7.56.080	Connection Charges: Terms and Conditions of Payment.
Section 7.56.090	Connection Charges: Exemption.
Section 7.56.100	Reduction or Increase of Connection Charges.
Section 7.56.110	Connection Charges for General Benefit Improvements.
Section 7.56.120	Collection of Construction Cost From Property Owners.
Section 7.56.130	Cost of Construction: Use of Lawfully Available Funds.

Section 7.56.010 Local Benefit Improvements: Resolution of Intention.

Prior to establishing an area of local benefit and connection charges therein to reimburse the District for the cost of installation of local benefit improvements, the Board of Directors shall adopt a resolution of intention. The resolution shall set forth:

- A. State that an area of local benefit is proposed to be established under this chapter;
- B. State the name proposed in substantially the following form: "Area of Local Benefit No. ____";
- C. Describe the improvements which will benefit the lands within the area of local benefit;
- D. Describe the boundaries of the area of local benefit by reference to an approved boundary map on file with the secretary;
- E. Set forth the maximum connection charges to be established and the terms and conditions for payment thereof;
- F. Make findings in substantially the following form:
 - 1. That the local benefit improvements are of direct and special benefit to each parcel of property within the area of local benefit; and

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2. That the costs and expenses attributable to the local benefit improvements including interest thereon and administrative expenses in connection therewith are a lawful charge as a condition to sewer service within the area of local benefit.
- G. Fix a time and place for a public hearing on the establishment of the area of local benefit and the adoption of the connection charges which shall not be less than thirty nor more than sixty days after adoption of the resolution of intention.

Section 7.56.020 Boundary Map.

- A. Prior to adoption of the resolution of intention, the board of directors shall adopt a resolution preliminarily approving a map showing the boundaries of the area of local benefit and the general location and extent of the local benefit improvements. The map shall be entitled: "Proposed Boundary Map Area of Local Benefit No. ____"
- B. Filing of Map. The map of the local benefit area shall be filed in the office of the secretary and shall be available for public inspection.
- C. Endorsement on Map. The secretary shall endorse on the original of the map of the local benefit area a certificate evidencing the date and adoption of the resolution of approval.

Section 7.56.030 Public Hearing: Notices.

Notice of the public hearing shall be given by the secretary in the time, form and manner specified as follows:

- A. Notice shall be given by mail, first class and postage prepaid, to each owner of property within the boundaries of the area of local benefit as their names and addresses appear on the last equalized county assessment roll.
- B. Notice shall set forth the time, place and purpose of the public hearing and shall include a copy of the resolution of intention.
- C. Notice shall be mailed to the owners of property not less than fifteen days nor more than thirty days prior to the public hearing.

Section 7.56.040 Public Hearing: Procedure.

During the public hearing, the board of directors shall receive and consider testimony from any interested person material to the subject thereof. The public hearing may be continued from time to time but shall be concluded within sixty days.

Section 7.56.050 Resolution of Formation.

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If the board of directors so determines, it shall adopt a resolution of formation establishing the area of local benefit. The resolution of formation shall set forth:

- A. All information required to be included in the resolution of intention;
- B. Determination that all prior proceedings were valid and in conformity with the requirements of this chapter;
- C. Determination to establish the boundaries of the area of local benefit and to adopt the connection charges and terms and conditions of payment;
- D. Findings in substantially the following form:
 - 1. That the connection charges are reasonably necessary to pay the cost of the local benefit improvements and do not constitute a "special tax" within the meaning of Article XIII A of the California Constitution,
 - 2. That the connection charges are reasonably necessary to pay the cost of the local benefit improvements and are not subject to the "appropriations limitations" provided in Article XIII B of the California Constitution,
 - 3. That the connection charges have been fixed to yield an amount sufficient to pay the cost of the local benefit improvements including interest on moneys advanced by the district and administrative expenses incurred by the district, and
 - 4. That the connection charges do not exceed the estimated reasonable cost of providing sewer service in the area served by the local benefit improvements pursuant to Section 54991 of the Government Code.

Section 7.56.060 Connection Charges: Use of Fund.

The connection charges specified in the resolution of formation shall be deposited in the district sewer fund immediately upon receipt thereof.

Section 7.56.070 Connection Charges: Payment.

Unless paid pursuant to Section 7.56.080, the connection charges shall be paid to the district at the earlier of either of the events specified as follows:

- A. As a condition to approval of any land division; or
- B. As a condition to occupancy of any structure.

Section 7.56.080 Connection Charges: Terms and Conditions of Payment.

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The board of directors may adopt rules and regulations providing for the payment of connection charges over a period of time not to exceed five years at an interest rate not to exceed the maximum interest rate allowed under law on obligations of the district.

Section 7.56.090 Connection Charges: Exemption.

If any sewer main is replaced, relocated or extended, any connection to such sewer main existing at the time of such replacement, relocation or extension, which is replaced in kind, shall be exempt from the payment of any connection charge under this chapter.

Section 7.56.100 Reduction or Increase of Connection Charges.

After formation of any area of local benefit, the board of directors shall have discretion to reduce, increase or otherwise modify the connection charges therein, due to a change in circumstances not reasonably anticipated at the time of formation. The connection charges may be modified as follows:

- A. If the board of directors intends to increase any connection charges, such increase shall not be adopted unless and until the board of directors has provided notice and held a public hearing pursuant to Sections 7.56.030 through 7.56.050.
- B. If the board of directors intends to reduce any connection charges, such reduction may be adopted without notice or public hearing pursuant to Sections 7.56.030 through 7.56.050.

Section 7.56.110 Connection Charges for General Benefit Improvements.

This chapter shall not apply to the imposition and collection of connection charges for general benefit improvements. Such connection charges may be imposed and collected in the time, form and manner provided by law.

Section 7.56.120 Collection of Construction Cost From Property Owners.

The public interest and convenience require certain local benefit improvements be constructed from lawfully available revenues of the district and that the cost thereof be collected from property owners benefiting there from by the imposition of connection charges for sewer service.

Section 7.56.130 Cost of Construction: Use of Lawfully Available Funds.

The board of directors shall have discretion to pay any portion of the cost of construction of the local benefit improvements from any lawfully available sewer revenues of the district.

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Chapter 7.60

SERVICE AREA EXPANSION AND ANNEXATION

Contents:

Section 7.60.010	Definitions.
Section 7.60.020	Policy.
Section 7.60.030	Process for Service Area Expansion and Annexation.
Section 7.60.040	Pre-Service Area Expansion and Annexation Agreements.
Section 7.60.050	Annexation of Properties with Package Sewer Treatment Plants.
Section 7.60.060	Sewer Annexation Fees.
Section 7.60.070	Water and Other Annexation Fees.
Section 7.60.090	Conformance Determination.

Section 7.60.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the following definitions:

“Activated Sewer Powers Area (ASPAs)” means the area formed by those parcels within the Ramona Municipal Water District (RMWD) Boundary in which the RMWD has received LAFCO authorization (activated latent powers) to provide sewer service. ASPA boundaries are shown on RMWD maps as dashed red lines. To expand the RMWD ASPAs a parcel owner must obtain prior Board approval to apply to LAFCO for latent powers expansion of the ASPA and LAFCO must approve the expansion. A parcel(s) inside the ASPA must also annex into either the Santa Maria Sewer Service Area (SMSSA) or the San Vicente Sewer Service Area (SVSSA) pursuant to the applicable provisions of the Legislative Code before the parcel(s) may receive sewer service from the RMWD.

“Latent Powers (LP)” means the legal right to provide specific services in a geographical area. As a Municipal Water District, RMWD may provide the following services: recreational facilities, hydroelectric, sell surplus power, generate power as wind or solar for transmission of hydroelectric, sewer, solid waste, storm water, fire protection, replenishment of ground water, produce water from ground water, garbage disposal, waste and trash.

“Latent Powers Expansion (LPE)” means the expansion of the ASPA. This is accomplished by applying to LAFCO for a latent powers service area expansion and obtaining approval of the expansion.

“Latent Powers Activation” means providing new service to an area by activating latent powers, such as storm water services. This requires LAFCO approval and the area activated may be an entire district or a portion of a district.

“Latent Powers Area (LPA)” means the area formed by all parcels within the RMWD Boundary as established. The RMWD boundary is shown on RMWD maps as a solid red line. Currently RMWD has activated latent powers to provide Fire Service, Park & Recreation Service, Water

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Service, and Recycled Water Services anywhere within the RMWD Boundary. Additionally, LAFCO has activated RMWD latent powers to provide sewer service within the Santa Maria ASPA and within the Santa Vicente ASPA. The LPA is currently coterminous with the Sphere of Influence.

"Package Treatment Plant (PTP)" means a sewer treatment facility that is designed to serve a single development.

"RMWD" means Ramona Municipal Water District

"RMWD Boundary" is the boundary of the LPA shown on RMWD maps as a solid red line. The RMWD Boundary as established is currently coterminous with the Sphere of Influence boundary.

"San Vicente Sewer Service Area (SVSSA)" means the area formed by those parcels inside the ASPA that have been approved by the Board to receive sewer service from the San Vicente Wastewater Treatment Plant. Parcel(s) that are within the boundaries of the SVSSA or that have annexed into the SVSSA may receive sewer service without further Board approval. The SVSSA boundary is shown on RMWD maps as a dashed black line.

"Santa Maria Sewer Service Area (SMSSA)" means the area formed by those parcels inside the ASPA that have been approved by the Board to receive sewer service from the Santa Maria Wastewater Treatment Plant. Parcel(s) that are within the boundaries of the SMSSA or that have annexed into the SMSSA may receive sewer service without further Board approval. The SMSSA boundary is shown on RMWD maps as a dashed black line.

"Sphere of Influence (SOI)" means a plan for the probable physical boundaries and service areas of a city or district and may be physically larger or smaller than the agency's boundary. This geographical area is surrounded by an external boundary outside which the RMWD does not have authority to provide any services. The RMWD Boundary is established by LAFCO and is currently coterminous with the Sphere of Influence.

Section 7.60.020 Policy.

In order to obtain Fire Service, Park & Recreation Service, Santa Maria Sewer Service, San Vicente Sewer Service, Water Service, and Recycled Water Service from the RMWD a parcel must be located within the RMWD Boundary.

If the parcel(s) is not located within the RMWD Boundary, the Sphere of Influence will have to be expanded and an annexation processed through LAFCO in addition to any other requirements set forth in a pre-Sphere of Influence Expansion agreement with RMWD.

If a parcel(s) that needs sewer service is located in the RMWD Boundary but outside an ASPA then a Latent Powers Expansion processed through LAFCO and an annexation processed by RMWD pursuant to the provisions of this chapter of the RMWD Legislative Code will need to be completed.

If a parcel(s) that needs sewer service is located in an ASPA but outside SMSSA or SVSSA then an annexation must be processed by RMWD into one of these two Sewer Service Areas, pursuant to the provisions of this chapter of the RMWD Legislative Code.

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Section 7.60.030 Process for Service Area Expansion and Annexation.

- A. Outside RMWD Boundary - If the Owner of a parcel(s) that is not within RMWD Boundary requests a service area expansion, a Sphere of Influence Expansion and Annexation must occur that complies with applicable provisions of state law, including but not limited to, approval by LAFCO, MWD and CWA when applicable. Additionally, the following actions are required:
1. Complete system evaluation.
 2. Execute a pre-Sphere of Influence Expansion agreement.
 3. Obtain RMWD Board approval of pre-Sphere of Influence agreement and certified resolution of application to LAFCO.
 4. Obtain LAFCO approval to expand sphere of influence.
 5. Following LAFCO approval (it is assumed latent powers are activated at the same time):
 - a. LAFCO records documents and update maps.
 - b. For water and other services proceed to "E. Water and Other Services".
 - c. For sewer service proceed to "C. Outside the Sewer Service Area".
- B. Outside Activated Sewer Powers Area - If the Owner of a parcel(s) that is located within the RMWD Boundary, but outside the ASPAs, wants to connect the parcel(s) to a sewer service area then the following actions are required:
1. Complete sewer system evaluation.
 2. Execute a pre-Latent Powers Expansion agreement.
 3. Obtain RMWD Board approval of pre-Latent Sewer Powers Expansion agreement and certified resolution of application to LAFCO.
 4. Obtain LAFCO approval to expand latent sewer powers.
 5. Following LAFCO approval:
 - a. LAFCO records documents and update maps.
 - b. Proceed to "C. Outside the Sewer Service Area" when ready to apply for annexation to either the SMSSA or SVSSA, as applicable.
- C. Outside the Sewer Service Area - If the Owner of a parcel(s) that is within an activated sewer powers area (ASPA), but outside the SMSSA or SVSSA, wants

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to connect the parcel(s) to a sewer service area then the following actions are required:

1. Complete sewer system evaluation or update evaluation completed in 1 or 2.
 2. Execute a pre-annexation agreement.
 3. Pay annexation fees.
 4. Obtain RMWD Board approval of pre-annexation agreement.
 5. Record documents and update maps.
 6. Proceed to "D. Inside the Sewer Service Area" when ready to apply for sewer service.
- D. Inside the Sewer Service Area - If sewer service is being requested for parcel(s) that is within the SMSSA or SVSSA follow the procedures in Legislative Code Section 7.52 "Santa Maria Sewer Service Area: Rules and Regulations" or Section 7.54 "San Vicente Sewer Service Area: Rules and Regulations".
- E. Water and Other Services – If service is requested for other than sewer see appropriate sections of Legislative Code.

Section 7.60.040 Pre-Service Area Expansion and Annexation Agreements.

The pre-service area expansion agreements refer to the pre-sphere of influence and pre-latent powers expansion agreements. These agreements and the pre-annexation agreement shall assure the RMWD that all actual costs of the facilities required by the agreement(s), including, but not limited to, administrative costs, design costs, environmental costs, construction costs and the cost of a percentage of the value of the existing facilities, shall be paid solely by the owner/developer. The agreement(s) shall state that the facilities required by the project shall be completed, dedicated to the RMWD, and all costs shall be paid in full before any connections shall be made. Alternative facilities maybe incorporated in the agreement(s) to allow a preferred alternative to be identified during the CEQA process. The agreement(s) shall be signed by the owner/developer prior to submittal to the RMWD Board for consideration.

Section 7.60.050 Annexation of Properties with Package Sewer Treatment Plants.

Upon receipt of any request to annex property with an existing package sewer treatment plant to the SMSSA or the SVSSA, the RMWD may either require that the package treatment plant be abandoned and that the parcel(s) be connected to the RMWD facilities for sewer service, at the sole cost and expense of the owners of the parcel(s), or allow continued operation of the package sewer treatment plant, as may be determined by the RMWD in its sole discretion per section 7.72 " Package Treatment Plants".

Section 7.60.060 Sewer Annexation Fees.

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The RMWD does not have established sewer annexation fees for parcel(s) seeking to be annexed into the RMWD, with the exception of LAFCO or other outside agency fees that apply as otherwise defined in the RMWD Legislative Code. Each request for sewer annexation shall be addressed at the time of the request and shall be based on an engineering analysis prepared by the RMWD, and approved by the RMWD Board, as applicable. All costs of the analysis, processing, and other costs incurred by the District shall be paid by the Owner/Developer of the parcel(s) requesting annexation in accordance with Section 2.44.020 "Payment for services provided by District Personnel." As provided in 2.44.020(B) a full deposit of the estimated services is required but in no event shall the initial deposit be less than \$2000. Additionally, once the deposit has been depleted as specified in 2.44.020(B), all work will be stopped until a supplemental deposit has been received. This deposit/replenishment process shall continue until the completion of all District work and once the annexation process is completed. Any remaining funds at the completion of the annexation process shall be returned to the Owner/Developer.

Section 7.60.070 Water and Other Annexation Fees.

The RMWD does not have established water and other annexation fees for parcel(s) seeking to be annexed into the RMWD rather each request for annexation is addressed at the time of the request and shall be based on an engineering analysis prepared by the RMWD, and approved by the RMWD Board, CWA and MWD as applicable. All costs of the analysis and processing shall be paid by the Owner/Developer of the parcel(s) requesting annexation in accordance with Section 2.44.020 "Payment for services provided by RMWD staff."

Section 7.60.090 Conformance Determination.

Determination of conformance with the Ramona Community Plan shall be the responsibility of the owner/developer and the County of San Diego. RMWD evaluations shall be based on the technical, economic, and system performance criteria. The owner/developer is responsible for any CEQA documentation and approvals needed to implement the project and any offsite improvements.

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Chapter 7.64

SEWER STANDBY ASSESSMENTS AND AVAILABILITY CHARGES

Contents:

Section 7.64.010 San Vicente Sewer Service Area: Standby Assessment or Availability Charges.

Section 7.64.010 San Vicente Sewer Service Area: Standby Assessment or Availability Charges.

- A. This section is adopted pursuant to Sections 71674 and 71630 through 71633 of the California Water Code.
- B. A sewer and wastewater standby assessment or availability charge is necessary for the present and future maintenance of sewer and wastewater service to said lands and will thereby benefit the inhabitants, landowners and present and future users of such services.
- C. The rate of annual sewer and wastewater standby assessment or availability charge shall be fixed and established at ten dollars per acre, or portion thereof, within each parcel.
- D. The sewer and wastewater standby assessments or availability charges shall be levied against each parcel shown on the particular schedules, marked Exhibit A, attached to the ordinance codified in this section, that are wholly or partially within said lands on the assessment rolls of the county assessor of San Diego County and shall be payable by and collected from the record owners thereof.
- E. Said charge shall be collected in the same form and manner as county taxes and shall be paid to the district.

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Chapter 7.68

SAN DIEGO COUNTY PROJECT SEWER FACILITIES AVAILABILITY LETTERS

Contents:

Section 7.68.010 General Provisions.
Section 7.68.020 Guidelines for Issuance and Reissuance of Sewer Facilities Availability Letters.

Section 7.68.010 General Provisions.

- A. There are three separate scenarios that this policy intends to address:
 - 1. Projects within the sewer service area.
 - 2. Projects within the Latent Powers Area, but outside the sewer service area.
 - 3. Projects outside of the sewer service area and outside the Latent Powers Area.

- B. The projects as set forth in Section 7.68.010 will be processed in accordance with the guidelines in Section 7.68.020 below.

Section 7.68.020 Guidelines for Issuance and Reissuance of Sewer Facilities Availability Letters.

- A. Requests for Sewer Facilities Availability Letters for projects within the sewer service areas of the District will be processed as follows:
 - 1. The owner/developer will be required to complete the top half of the form.
 - 2. The District shall complete the bottom half of the Sewer Facilities Availability Letter stating that:
 - a. Project is in the District.
 - b. Sewer Facilities are reasonably expected to be available within five (5) years.
 - c. And other information as required.

- B. Requests for Sewer Availability Letters for projects within the Latent Powers of the District but outside the sewer service area will be processed as follows:
 - 1. The owner/developer will be required to complete the top half of the form.

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2. The District shall complete the bottom half of the Sewer Facilities Availability Letter stating that:
 - a. The project is not in the sewer service area but is within its Sphere of Influence boundary. Owner/developer must apply for annexation, which will be granted if a pre-annexation agreement is signed as provided in Section 7.68.020, C,2,b,i.
 - b. Sewer facilities are reasonably expected to be available within five (5) years.
 - c. And other information as required.
- C. Requests for Sewer Facilities Availability Letter for projects outside the sewer service area and the Latent Powers of the District, will be processed as follows.
 1. The owner/developer will be required to complete the top half of the form.
 2. The District shall complete the bottom half of the Sewer Facilities Availability Letter, stating the following:
 - a. The project is not within the District and not within its Sphere of Influence.
 - b. Sewer facilities are reasonably expected to become available within five (5) years, if the following conditions are met:
 - i. If a pre-annexation and/or pre-latent powers expansion agreement is signed by the owner/developer and approved by the District's Directors whereby the District will request consideration from LAFCO to expand the latent sewer powers to include the project area and the owner/developer will assure the district that all actual costs of the facilities required by the project, including, but not limited to, administrative costs, design costs, construction costs and the cost of a percentage of the value of the existing facilities, will be paid solely by the owner/developer in a timely fashion. The pre-annexation and/or pre-latent powers expansion agreement should state that the facilities required by the project will need to be completed before any connections shall be made.
 - ii. If the District adopts a resolution applying to LAFCO for expansion of its latent sewer powers to include the area.
 - iii. If LAFCO approves the annexation and/or the expansion of latent powers to include the area.
 - c. The District shall include with the Sewer Facilities Availability Letter a copy of this Resolution.

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Chapter 7.72

PACKAGE TREATMENT PLANTS

Contents:

Section 7.72.010	Definitions.
Section 7.72.020	Findings.
Section 7.72.030	Policy.
Section 7.72.040	Annexation of Properties with Package Treatment Plants.
Section 7.72.050	Requirements for Abandonment of Package Treatment Plants.
Section 7.72.060	Requirements for Continued Operation of Package Treatment Plants.
Section 7.72.070	No Restrictions on Conditions of Service.

Section 7.72.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the following definitions:

"Activated Sewer Powers Areas (ASPA)" means the area formed by those parcels within the RMWD Latent Powers Area, as defined herein, in which the RMWD has received LAFCO authorization (activated latent powers) to provide sewer service. ASPA boundaries are shown on RWMD as dashed red lines. To expand the RMWD ASPAs, a parcel owner must obtain prior Board approval to apply to LAFCO for latent powers expansion of the ASPA and LAFCO must approve the expansion. A parcel(s) inside the ASPA must also annex into either the Santa Maria Sewer Service Area (SMSSA) or the San Vicente Sewer Service Area (SVSSA) pursuant to the applicable provisions of the Legislative Code before the parcel(s) may receive sewer service from the RMWD.

"Latent Powers Area (LPA)" means the area formed by all parcels within the RWMD boundary as established. The RMWD boundary is shown on RMWD maps as a solid red line. Currently RMWD has activated latent powers to provide Fire Service, Park & Recreation Service, Water Service and Recycled Water Services anywhere within the LPA, which is coterminous with the RMWD Boundary. Additionally, LAFCO has activated RMWD latent powers to provide sewer service within the ASPA.

"Package treatment plant (PTP)" means any sewer treatment facility within the ASPA which serves any development and is not owned or operated by RMWD.

"RMWD" means the Ramona Municipal Water District.

Section 7.72.020 Findings.

PTPs may be constructed and operated by third parties, (e.g. private developers) to provide sewer service for a residential or other development located outside of the ASPA to avoid the

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process required to expand the ASPA to serve the proposed development. So long as the third party remains solvent and responsibly operates and maintains the PTP, the PTP should not impose a financial or oversight burden on RMWD. However, if the third-party PTP operator dissolves, becomes financially insolvent or otherwise fails to responsibly construct, maintain and operate the PTP, RMWD may be imposed upon to operate and maintain the PTP or otherwise provide sewer service to the development, at significant financial cost to RMWD and burden on RMWD staff. Failure to operate a PTP in accordance with applicable laws and regulations exposes the operator and owner of the PTP to significant penalties and fines.

Based on the above, the Board of Directors hereby finds that developers, often specific purpose entities formed for the purpose of developing a project, have little financial incentive to ensure that the PTP is operated and maintained for the entirety of the duration of the term that the PTP is required by the development. The Board also finds that PTP operators and owners are not legally required to post security, such as a bond, to ensure that the PTP is operated and maintained in accordance with applicable law for as long as the development requires the PTP. The Board finds that PTPs constructed by developers have not historically operated independent from RMWD, but have often required assistance or takeover from RMWD to ensure that PTPs are operated and maintained in accordance with applicable law. Finally, the Board finds that PTPs increase RMWD's exposure to potential financial costs, unknown liabilities and impose a significant burden on staff time therefore straining RMWD's limited resources.

Section 7.72.030 Policy.

Based on the findings set forth above, the RMWD Board of Directors hereby oppose the development, construction and maintenance of PTPs within the LPA. The Board hereby authorizes RMWD Staff to communicate this policy to the applicable regulatory and approval authorities as well as developers. To mitigate the financial burden imposed by PTPs on RMWD, it is the further policy of RMWD to ensure that all properties served by PTPs bear all fees and costs associated with design, construction, operation, repair, replacement or expansion of a PTP. Any discretionary act of the Board to annex property served by PTPs may be subject to the terms and conditions set forth herein as well as any other requirements as may be imposed by the Board, in its sole discretion. The Board of Directors may consider exceptions to this policy in opposition to PTPs on a case-by-case basis.

Section 7.72.040 Annexation of Properties with Package Treatment Plants.

Upon receipt of any request to annex property with an existing PTP to RMWD for sewer service, RMWD may either require that the PTP be abandoned and that the property be connected to RMWD's facilities for sewer service, at the sole cost and expense of the owners of the property, or allow continued operation of the PTP, as may be determined by RMWD in its sole discretion.

Section 7.72.050 Requirements for Abandonment of Package Treatment Plants.

If RMWD determines, in its sole discretion, that it is appropriate to require abandonment of the PTP as a condition of sewer service, then the property owners being served by the PTP shall pay all fees and costs of whatever type or nature to close the PTP and to connect to RMWD facilities, all sewer annexation and connection fees, and all additional administrative, legal and

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other fees determined appropriate by RMWD to close the PTP and to provide service from RMWD facilities.

Section 7.72.060 Requirements for Continued Operation of Package Treatment Plants.

If RMWD elects to assume operation of an existing PTP as part of any annexation request, all facilities determined necessary by RMWD to integrate the PTP into RMWD's system and to bring the PTP into compliance with RMWD standards, as determined by RMWD in its sole discretion, shall be installed and paid for solely by the property owners receiving service from the PTP. Any expansion of the PTP determined necessary by RMWD, in its sole discretion, to meet projected build out sewer capacity requirements for the property being served shall be installed and paid for solely by the property owners being served by the PTP. All fees and costs to maintain, operate, administer and repair the PTP shall be paid for solely by the property owners receiving sewer service from these facilities. As a condition of service, RMWD may require that the property owners form a special assessment district or other financing device determined acceptable by RMWD, in its sole discretion, to ensure that adequate funds exist to install the facilities determined necessary by RMWD and to pay the fees and costs associated with operation, maintenance, repair or expansion of the PTP.

Section 7.72.070 No Restrictions on Conditions of Service.

Nothing in this chapter shall be construed as in any way limiting the authority of RMWD to set special rates, terms or conditions of service for annexation of any properties served by a PTP.

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Chapter 7.76

WATER SYSTEM EVALUATION

Contents:

Section 7.76.010	Definitions.
Section 7.76.020	Policy.
Section 7.76.030	Goals.
Section 7.76.040	Applicability.
Section 7.76.050	San Diego County Discretionary Review Process.
Section 7.76.060	Water Facilities Criteria.
Section 7.76.070	Water Facilities Locations and Easements.
Section 7.76.080	Exceptions to Water Line Extension Installation.
Section 7.76.090	Water System Evaluation Process.
Section 7.76.100	Determination of Mitigation Fees.
Section 7.76.110	Implementation Authority.

Section 7.76.010 **Definitions.**

See section 7.28.010 for definitions.

Section 7.76.020 **Policy.**

- A. It is District policy that the District will provide, at no cost, to any interested party a map of the water facilities in the area of a specific parcel that may need water service and information on the process of obtaining water service for the specific parcel. Any additional information is to be paid for in accordance with Chapter 2.44 of this Legislative Code.
- B. It is District policy that water system evaluations shall be performed by the District staff and shall be paid for by the land owners, developers, or interested party who request or are required to complete a water system evaluation.
- C. It is District policy that a water system evaluation shall be waived by District Staff for certain types of parcels per Section 7.28.020 F of this Legislative Code.
- D. It is the policy of the District that all “Water Facilities”, if required to provide water service for a development or a single parcel of land, as determined by District staff at its sole discretion, shall be evaluated, planned, designed, and constructed at the owner or developer’s sole expense. Water Facilities shall be constructed prior to water service being provided to the parcel or development.
- E. If the Water Facilities are allowed to be deferred by the District staff, at its sole discretion, a lien or other financing mechanism must be in place to cover the entire cost of the Water Facilities.
- F. This section of code provides goals, criteria, and guidelines for evaluating the water (potable, untreated, and recycled) systems and determining what water

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system facilities improvements (Water Facilities) are needed to address the impacts of any proposed water use being requested by the owner/developer/interested party. The evaluation is used to address requests for new or changed water service, approval of San Diego County discretionary permitting forms for building permits, minor and major subdivisions, proposed annexations, and general requests about how much it will cost to connect to the water system.

Section 7.76.030 Goals.

The goals of the chapter of code are:

- A. Provide for the orderly, efficient, and economic development of the water system (water lines, pump stations, and storage tanks) for serving all users and potential users within the District.
- B. Provide a system that allows for efficient, economical maintenance.
- C. Provide a system that has easy, efficient access to facilities, such as meters.
- D. Provide sufficient pressure, storage and flows for fire protection and customer use.
- E. Provide a reliable, high quality water supply to all customers.
- F. Provide a mechanism to address stranded reaches.
- G. Provide guidelines for property owners and developers and interested parties.
- H. Establish specific conditions for a parcel or development connecting to the water system.

Section 7.76.040 Applicability.

The provisions of this chapter apply to any individual, developer, partnership, corporation, agency, other legal entity, or property owner who requests a "Water System Evaluation" or is determined by the District Staff to require a "Water System Evaluation" as a condition of applying for new water service, changes to existing water service, approval of a County of San Diego Agency Commitment or Clearance Form, proposed annexation, and requests for conditions for obtaining water service.

Section 7.76.050 San Diego County Discretionary Review Process.

- A. As part of the San Diego County's (County) discretionary review process, an owner or developer may be required to secure approval of one or more water service confirmation letters from the District. Typically the County requests the owner or developer to obtain the following approvals from the District:
 - 1. Approval of a "Project Facilities Availability Form" (often called Availability Letter) is typically required by the County to initiate the subdivision map or major use permit process. The District executes these forms with the

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understanding that this does not constitute a commitment to serve. As part of the District approval of a Project Facilities Available Form, notification is given that a "Water System Evaluation" may be required for the subsequent approval of a "Project Facilities Commitment Form" and the evaluation should be completed prior to the project finalizing its environmental assessment for the project.

2. Approval of a "Project Facilities Commitment Form" (often called Commitment Letter) is typically required before the County will approve a final parcel map for a subdivision. The District will typically execute these forms only if a "Water System Evaluation" has been completed and a binding "Water Service Agreement" executed based on the conditions set in the Water System Evaluation.
 3. Approval of an "Agency Clearance Form" (often called Clearance letter) is typically required before the County will issue a building permit. The District executes these forms only if all conditions of water service are met which may include those specified in a "Water System Evaluation", required facilities have been constructed or mitigation fees or capacity charges, as applicable, have been paid, easements executed, and an Application for Water Service has been executed and all fees and charges paid.
- B. Further, approval of water availability, commitment, and clearance forms are based on current ordinances, resolutions, rules and regulations of the district. The rules and regulations may be changed from time to time, the applicant for service shall be subject to the requirements in effect at the time approval is requested.
- C. The District will recognize and honor the requirements placed on discretionary projects (such as use permits, subdivisions, rezoning, etc.) by the County of San Diego. However, if the County's approval of such projects did not include any or adequate provisions for water service and/or fire protection, as determined by the District at its sole discretion, water service to properties within the project will be furnished under the terms and conditions established by the District and in effect when service is requested by an applicant.
- D. Determination of conformance with the Ramona community plan shall be the responsibility of the owner/developer. District evaluations shall be based on the information provided by the owner/developer. Project descriptions such as boundary adjustments, rezones (reclassification), major use permits, specific plan amendments or certificates of compliance may be required to provide an informational report from the owner/developer or other proof of conformance with the Ramona community plan.

Section 7.76.060 Water Facilities Criteria.

- A. Where the entire length (or projection of length for parcels that do not front on the public street or water line easement) of one or more sides of an applicant's parcel(s) is not in contact with a public water line, the District may require the installation of public water line extensions to serve a parcel(s) and development requesting water service, unless otherwise specified herein. The line extension shall extend from the end of the nearest suitable water line, as determined by the

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District Engineer, and across the parcel and in an alignment that is consistent with the ultimate water system as determined by the District Engineer.

- B. Pipeline extensions may or may not be required to serve any and all fire hydrants or fire department connection service locations. The District may allow a private lateral to serve a private fire hydrant in a private road and utility easement if determined appropriate by the District Engineer at its sole discretion and a maintenance program acceptable to the District is in place. The fire hydrant lateral may be less than 8-in diameter pipe, shall have a backflow preventer installed, only a fire hydrant shall be connected to it, and it shall not have any metered water services connected to it.
- C. Pipeline extensions of untreated or reclaimed water lines may or may not be required in areas where these facilities are being utilized.
- D. The District requires that all public water pipelines be at least eight inches in diameter and be sized according to the District's planning and design criteria to meet current and potential future development of the particular area. Six-inch lines may be allowed, at the sole discretion of District Staff, where the existing system is already six-inch lines, pressure and flow is adequate and there is no likely possibility of an extension or future conversion to eight-inch pipeline.
- E. Water lines greater than the size required to serve the subject parcel or development may be required. If the water lines are part of the transmission system, over 12-in in diameter, and larger than needed for the applicant's project the District may pay for over sizing.
- F. The District may require on-site and off-site improvements including pump stations, storage tanks, transmission lines and distribution system facilities including stranded reaches where necessary to provide adequate pressure, storage, fire flows, water quality, reliability, or orderly development of the water system.
- G. Local storage is used to meet peak hour demands of the water system, to provide emergency storage in case of a line break, loss of power, or loss of water supply, and to store water for fire fighting. Storage is calculated to be; 1) emergency storage equal to one maximum day of flow volume, plus 2) 0.30 of a maximum day flow volume, and 3) fire volume equal to a flow of 1,500 gpm for 2 hours (residential), 2,500 gpm for 2 hours (commercial) or 3,500 gpm for 3 hours (industrial) or as specified by the fire authority having jurisdiction.
- H. Pump stations are designed to meet the maximum day flows and rely on local storage to meet peak hour flows and fire flows.
- I. Transmission mains are designed for peak hour flow and typically have water distribution lines connected to them. The District rarely allows water services to connect to transmission mains.
- J. Additional water facilities criteria are presented in Chapter 7.04 "WATER SYSTEM RULES AND REGULATIONS: GENERAL".

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Section 7.76.070 Water Facilities Locations and Easements.

- A. The District normally requires only those easements, which are necessary for the immediate construction and long-term maintenance of pipelines. If the District has determined the future location of a water or sewer pipeline it may require additional easements for future use at its sole discretion when water service is applied for. (Ord. 158 Exhibit A (part), 1993)
- B. The District does not accept private road and utility easements for public water pipelines.
- C. Pipelines shall be in public right of way or in easements dedicated to the District. The easements shall be in alignments across the property that are determined by District Engineer and may extend across several sides of a parcel(s).
- D. Pipelines in County and State of California (State) road right-of-way shall have appropriate permitting, such as an encroachment permit. It is the developer/owner's responsibility to obtain the appropriate permits for encroachment and construction.
- E. The private road easements for public road purposes in the area northerly of Main Street (generally known as Ramona Acres and delineated on Record of Survey Maps No. 1502, No. 1824, No. 2660 and No. 3331) are considered to be public streets for the purposes of this policy. Public water lines may be installed without dedicating easements but private laterals are not allowed in these easements.
- F. If a private lateral (spaghetti line) is allowed by the District, at its sole discretion, and it crosses another parcel, proof of a recorded easement for the lateral shall be provided to the District, also the District may require dedication to the District of easements for future water and sewer lines.
- G. Land for Pump Stations and Storage Tanks shall be deeded to the District in "Fee Title".
- H. Use of District easements by others requires execution of an encroachment permit issued by the District.

Section 7.76.080 Exceptions to Water Line Extension Installation.

- A. If the District determines at its sole discretion that it is impractical or unnecessary for a public water line to be extended to or across a parcel to be served the District Engineer may allow private laterals for metered water service and for private fire hydrants.
- B. When the District may determine at its sole discretion to approve an owner/developer request to use a private lateral in order to defer the cost of installing a public water line until another parcel requests water service, based on the following criteria:
 - 1. Development is a single parcel with less than two dwelling units, and

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2. The line extension would cost more than twice the cost of the reach of line that crosses the subject parcel, and
3. There are a total of four or more parcels or dwelling units (includes parcels that don't have frontage on the line extension but would connect to it, but does not include parcels that have water service) between the existing dead-end and the subject parcel that could participate in a future line extension, and
4. The owner/developer executes a lien contract and that binds all present and future owners of all or portions of the property to pay the entire cost of installing the water line extension. The lien contract shall be on a form and in a manner specified by the District, and shall be recorded with the County recorder. The lien shall be for 10 years and renewed every 10 years at the sole discretion of the District, and
5. The District Engineer approves the request for a private lateral at its sole discretion,
6. The owner/developer provides all easements across the subject parcel(s) that are required by the District Engineer. The dedicated easement to the District shall be in an alignment across the property that is determined by the District Engineer and may be required to extend across several sides of a parcel. This shall be recorded on the subdivision map or on a separate easement document.

If the request for a private lateral is made so as to defer construction of a reach of pipe that is a segment of an existing line extension lien the District will require construction of the line extension(s) and call all liens. The owner/developer closest to the existing dead-end shall pay for the reach of the line extension that crosses its property and connects to the existing dead-end. The owner/developer furthest from the existing dead end will pay for the reach of the line extension that crosses its property and that connects to the dead-end being financed by the parcel(s) closer to the existing dead-end.

When parcels are stacked several parcels deep with only one having frontage on a line extension the costs shall be proportioned based on the projection of each property line onto the line extension divided by the total length of the projection of all the property lines onto the line extension times the total cost of the line extension. Parcel(s) that are stacked behind a corner lot and have an existing or proposed water line across one side of the parcel, and will not or are not connected to the line extension, are not subject to participating in the cost of the line extension based on the projection method described above.

When applicable the owners/developers that finance the line extension may execute reimbursement agreements to collect from future parcels that connect water services to the line extension.

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Section 7.76.090 Water System Evaluation Process.

The purpose of the water system evaluation is to assure that as new demands are placed on the water system that the District's goals for the water system are achieved. Also, that any water facilities that are built or financed as part of a request for water service are compatible with the latest County General Plan, the ultimate water system, and do not strand parcels from water service. The following outlines the evaluation process:

- A. Owner/Developer/Interested party executes an "Application for Water System Evaluation", makes an appropriate deposit, and provides information about the proposed project and the planned uses of water.
- B. The zoning is determined for the parcel and surrounding area based on the latest County General Plan.
- C. Maps of the water system are created, record drawings are retrieved, capacity of pump stations, pipelines and storage are collected and information regarding lien contracts and reimbursement agreements is compiled.
- D. It is determined if local storage capacity is sufficient to serve the additional demand of the proposed development. If storage is needed, the developer will either build the appropriate storage tank capacity, or contribute to building additional storage tanks by paying a capacity charge and other applicable charges. The District shall decide at its sole discretion if the storage tank is to be built or if a capacity charge and other charges will be applicable. If a development is greater than 20 dwelling units or 11,080 gallons per day (554 gallons per day assumed per dwelling unit), the development should build storage capacity if it is needed. If there is sufficient storage because of excess capacity that was built by others and for which a reimbursement agreement has been executed the developer shall pay the reimbursement fee.
- E. It is determined if local pump station capacity is sufficient to serve the additional demand of proposed development. If pump station capacity is needed the developer will build the appropriate pumping capacity. If there is sufficient pump station capacity because of excess capacity that was built by others and for which a reimbursement agreement has been executed the developer shall pay the reimbursement fee.
- F. It is determined if transmission main capacity is sufficient to serve the additional demand of proposed development. This includes evaluating alternative layouts of the transmission system for the ultimate water system configuration. If transmission main capacity is needed the developer will build the appropriate transmission main. If there is sufficient transmission line capacity because of excess capacity that was built by others and for which a reimbursement agreement has been executed the developer shall pay the reimbursement fee.
- G. It is determined if a line extension is required to serve the proposed development or if private laterals best meet the District's goals. If a water line extension (on site and/or off site) is determined necessary by the District for the proposed parcel or development the owner/developer shall:
 1. Build the water line extension(s) to connect across the subject parcel to the nearest suitable pipeline designated by the District at its sole discretion, or

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2. A private lateral may be allowed by the District at its sole discretion if the developer/owner executes a lien contract for the total cost of the line extension and the development meets the following criteria:
 - a. Development is a single parcel with less than two dwelling units, and
 - b. The line extension would cost more than twice the cost of the reach of line that crosses the subject parcel, and
 - c. There are a total of four or more parcels or dwelling units (includes parcels that don't have frontage on the line extension but would connect to it, but does not include parcels that have water service) between the existing dead-end and the subject parcel that could participate in a future line extension, and
 - d. The developer requests a private lateral and a lien contract, and
 - e. The District Engineer approves this request at its sole discretion,
 - f. The developer provides all easements across the subject parcel(s) that are required by the District Engineer. If the request for a private lateral is made so as to defer construction of a reach of pipe that is a segment of an existing line extension lien the District will require construction of the line extension(s) and call all liens. The developer/owner closest to the existing dead-end shall pay for the reach of the line extension that crosses its property and connects to the existing dead-end. The developer/owner furthest from the existing dead end will pay for the reach of the line extension that crosses its property and that connects to the dead-end being financed by the parcel(s) closer to the existing dead-end.

When parcels are stacked several parcels deep with only one having frontage on a line extension the costs shall be proportioned based on the projection of each property line onto the line extension divided by the total length of the projection of all the property lines onto the line extension times the total cost of the line extension.

When applicable the owners/developers that finance the line extension may execute reimbursement agreements to collect from future parcels that connect water services to the line extension.

- H. If a stranded reach of water line (on site and/or off site) is determined necessary by the District for the proposed development and is part of the required line extensions, the developer shall build the line as part of the line extension. If the stranded reach is not part of the line extension the developer shall contribute to building the stranded reach of line extension by paying a capacity charge and other applicable charges. The District shall decide at its sole discretion if the stranded reach(s) is to be built or if a capacity charge and other applicable charges will be accepted.

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Section 7.76.100 Determination of Mitigation Fees.

State of California Government Code Title 7, Chapter 5 through 9 are known as the "Mitigation Fee Act". This act provides for establishing Ad Hoc mitigation fees on a project by project basis to defray the costs for public facilities related to a development project. This is one of a number of ways to obtain public facilities needed as a result of new development, alternatives are illustrated in Exhibit "Public Facilities Acquisition Processes." The following describes the process used for acquiring water facilities needed to meet the needs of new or changed water services.

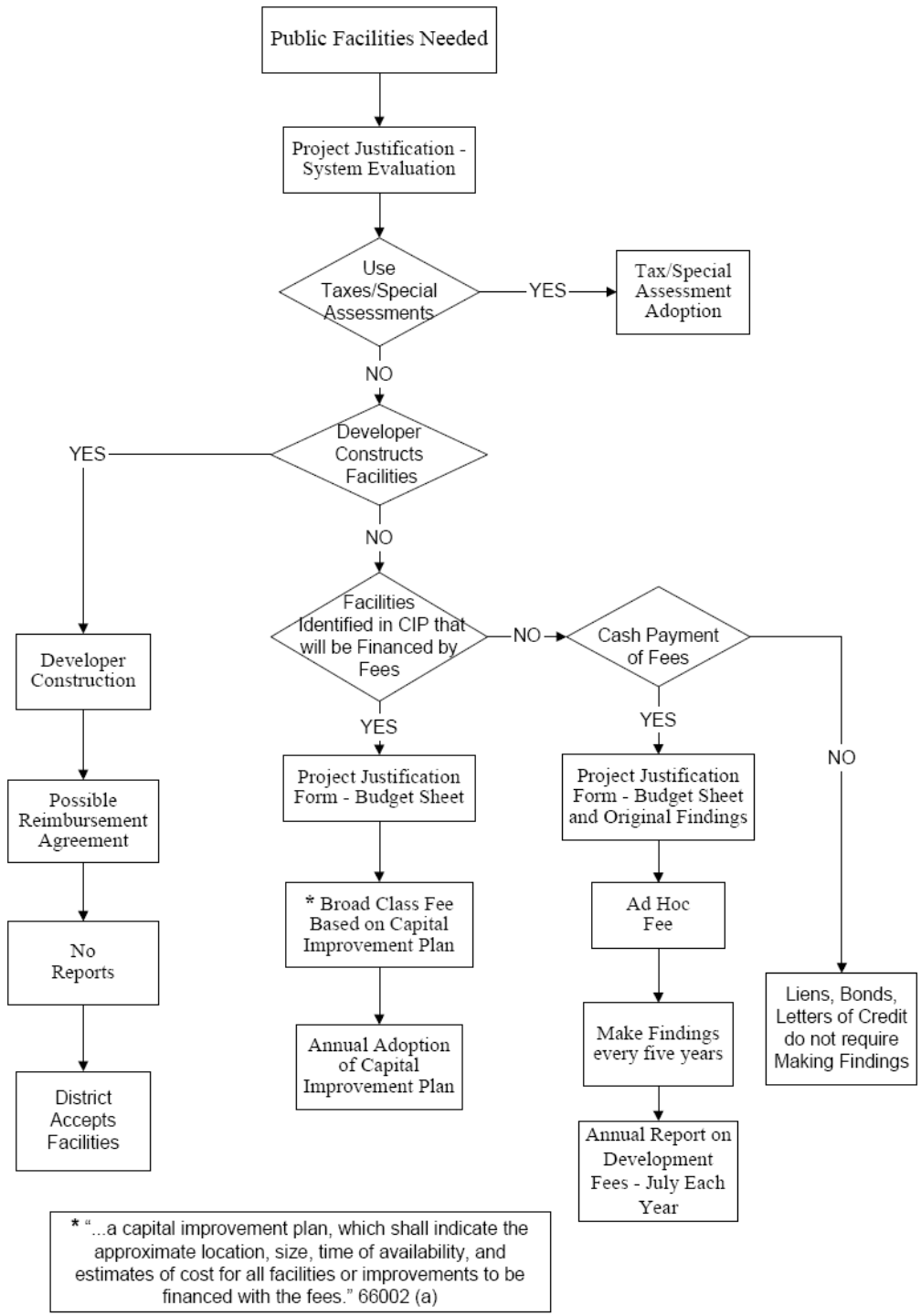
- A. Storage Tanks – District determines the number of potential meter equivalents in the storage zone that services the subject parcel(s), based on the latest version of the County General Plan. The meter equivalents are adjusted for physical constraints and historical versus actual levels of development. The developer mitigation fee is the cost of storage divided by the adjusted meter equivalents.
- B. Pump Stations – The capacity of pump stations cannot be exceeded. The only solution is to build additional capacity and no mitigation fee is possible.
- C. Transmission Mains – The capacity of transmission mains cannot be exceeded the only solution is to build additional capacity and no mitigation fee is possible.
- D. Line Extensions – The line extensions shall be paid for by the development and therefore no mitigation fee is required.
- E. Stranded Reach - District determines the number (current customer, and future customers based on the latest County General Plan, including those on wells) of potential meter equivalents that achieve two-way flow by adding the stranded reach of pipeline to an existing or future pipeline. The meter equivalents are adjusted for physical constraints and historical versus actual levels of development. The developer mitigation fee is the cost of the stranded reach divided by the adjusted meter equivalents.
- F. Development mitigation fees shall be paid at the time water service is approved and may be satisfied by executing a lien contract to be recorded with the county recorder.

Section 7.76.110 Implementation Authority.

The staff of the District shall implement the provisions of this policy in conjunction with adopted policies, ordinances, resolutions and standards. The District staff may require greater improvements at their sole discretion based on system needs and engineering judgment.

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EXHIBIT "PUBLIC FACILITIES ACQUISITION PROCESSES"

PUBLIC FACILITIES ACQUISITION PROCESSES



Chapter 7.80

PUBLIC WATER AND SEWER FACILITIES BY PRIVATE PARTIES

Contents:

- Section 7.80.010 Policy.**
- Section 7.80.020 Facilities for Private Projects.**
- Section 7.80.030 Procedure and Requirements.**

Section 7.80.010 Policy.

It is the policy of the district that all facilities required to serve a specific development or single parcel of land, and for which the district will assume eventual ownership and responsibility for maintenance and operation, be installed at the owner or developer's sole expense.

Section 7.80.020 Facilities for Private Projects.

Where it is necessary to construct additional facilities to provide water, recycled water, or sewer service to an owner's property, the owner shall bear all fees and costs associated with design and construction of the required facilities unless the district determines that it is appropriate to have the district participate in some portion of the cost. Participation by the district in facility costs shall be left to the sole discretion of the district. Where the district determines that facilities being constructed by a party will also benefit other properties in addition to the property of the party constructing the facilities, the district may agree to enter into a reimbursement agreement to reimburse the owner for a portion of the facility costs as specified in this chapter.

Section 7.80.030 Procedure and Requirements.

The following procedure and requirements shall apply to any request for construction of facilities necessary to serve property within the district:

- A. Application. An application for service and to construct additional facilities shall be submitted to district staff in writing. The application shall contain a full legal description of the properties owned by the applicant and the area of such properties. The application shall include a fee as set by the district. Recycled water application shall be as defined in Chapter 7.44 of this Code.
- B. Review of Application. Upon receipt of the application, the district will determine, in its sole discretion, what facilities will be required and will advise the applicant of these requirements. The applicant will then retain a licensed engineer to submit plans to the District for review and approval. The plans shall be submitted to the District with a deposit set by District Staff, in accordance with Section 2.44.020, for review of plans. Upon approval of these plans by the District, the

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applicant will submit a licensed contractor's estimate to perform work required by the approved plans.

- C. Deposits. On approval from the district to proceed with construction of the facilities, the applicant shall be required to deposit funds in cash or by check with the district sufficient to cover the district's estimated costs for inspection, connection fees, administrative costs and overhead as estimated by district staff. No agreement will be executed by the district until the district has received this deposit. When this deposit is reduced to five hundred dollars, the applicant shall be required to deposit such additional sums as may be specified by district staff.
- D. Contract. Upon approval from the district to proceed with construction of the facilities, the applicant will be required to execute a written contract prepared by the district. The district will estimate the total fees and expenses to complete construction of the designated facilities. As security for performance of the work, the applicant will be required to deposit cash with the district equal to the district's estimate or provide the district with an irrevocable and unconditional letter of credit with a lending institution acceptable to the district, or a segregated construction account with a lending institution acceptable to the district or a certificate of deposit in an amount equal to the district's estimate or a security Bond issued by a Surety that is acceptable to the District. The irrevocable and unconditional letter of credit or the segregated construction fund or the certificate of deposit or the security bond shall be provided on forms acceptable to the district.
- E. Fees and Easements. All fee sites and easements necessary to complete the facilities shall be paid for solely by the applicant and shall be deeded to the district free and clear of all liens and encumbrances.
- F. Dedications. Upon completion of the facilities to the satisfaction of the district, the facilities will be presented to the general manager of the district for acceptance as part of the district's system and for filing a notice of completion.

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Chapter 7.81

REIMBURSEMENT AGREEMENTS

Contents:

- Section 7.81.010** **Policy.**
- Section 7.81.020** **Terms and Conditions.**
- Section 7.81.030** **Administration Fees and Charges.**

Section 7.81.010 **Policy.**

If the District determines that Public Facilities constructed by an owner/developer will benefit other properties, the District may agree to execute and administer a reimbursement agreement to collect funds and reimburse the owner/developer for a portion of the Facilities costs as specified in this chapter. Nothing in this chapter is intended to require the District to enter into any agreement for construction of facilities or any reimbursement agreement authorized by this chapter. The decision to enter into these agreements shall be left to the discretion of the District.

Section 7.81.020 **Terms and Conditions.**

- A. Where the District determines that an applicant is eligible for reimbursement for part of the cost to construct the facilities, as determined by the District in its sole discretion, the applicant shall be required to execute a written reimbursement agreement prepared by the District based on the following term and conditions:
 - 1. The applicant shall keep accurate records of the design fees and actual construction costs and shall make these records available for inspection and reproduction at the District's office at such times as required by the District.
 - 2. Only those design fees and actual construction costs approved by the District in its sole discretion will be allowed for reimbursement under the agreement.
 - 3. Design fees and construction costs determined to be eligible for reimbursement shall be reimbursed only as other customers of the District connect to the facilities for which reimbursement is allowed. The District is not responsible for securing new customers and is not liable for funds it fails to collect.
 - 4. The reimbursement amount shall increase by 7% per annum not to exceed at total increase of 35%.
 - 5. The reimbursement agreement will automatically terminate on the earlier of fifteen years from the date it is executed or the date upon which the

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applicant has received the total reimbursement amount, whichever occurs first.

6. The District shall exercise reasonable effort to collect any reimbursement amounts defined in Reimbursement Agreements to the extent practical as determined solely by the District, but makes no representation that the applicant will receive all or any part of the reimbursement amount.
- B. The County of San Diego Records Office will not record this agreement against the affected properties.

Section 7.81.030 Administration Fees and Charges.

- A. The application fee for securing a reimbursement agreement for public water or sewer facilities shall be three hundred dollars (\$300.00) and paid by the developer at the time of making application for a reimbursement agreement.
- B. The District shall also charge ten percent (10%) of the value of the amount collected pursuant to the reimbursement agreement as a fee for servicing the account which charge shall be collected from the applicant for the reimbursement agreement and shall be deducted from the amount received as payment from the new customer.

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Chapter 7.84

WATER AND SEWER RATES AND CHARGES

Contents:

- Section 7.84.010 Water Rate Fees: CEQA Exemption.**
- Section 7.84.020 Adoption of Rates and Charges.**
- Section 7.84.030 After Hours Call-Out Fee.**
- Section 7.84.040 Reserve Fund for Rate Stabilization.**
- Section 7.84.050 90-Day Operating Fund.**
- Section 7.84.060 Capital Projects Funds.**
- Section 7.84.070 Debt Reserve Fund(s).**

Section 7.84.010 Water Rate Fees: CEQA Exemption.

In accordance with the California Environmental Quality Act Guidelines, Section 15061, the board of directors finds and determines that the water rate fees and meter fees established by this resolution are exempt from CEQA for the following reasons:

- A. The water rates, water meter charges and sewer service rates are not a "project" as defined by Guidelines Section 15378.
- B. The project is exempt in accordance with Guidelines Sections 15273(1), 15273(3), and 15274(4).
- C. The activity will not have any significant effect upon the environment pursuant to Guidelines Section 15061(b) (3).

Section 7.84.020 Adoption of Rates and Charges.

- A. The Board of Directors of the District adopts the water rates, the water meter fees and the sewer service rates most recently approved by the Board and incorporated herein by reference as the water rates, meter charges and sewer service rates of the District. The current rates are periodically updated as approved by the Board of Directors and are available at the District administrative offices by request and are maintained by the Chief Financial Officer.
- B. The General Manager, or his or her designee, is authorized to increase Water Rates imposed on the District customers by passing through increases in the rates and charges which the San Diego County Water Authority (SDCWA) charges the District for the commodity costs of wholesale water and other SDCWA charges pursuant to the most recently approved Ordinance setting Water Rates by the Board and incorporated herein by reference. The General Manager, or his or her designee, is further authorized to increase Water Rates imposed on the District customers by passing through increases in the rates and charges which San Diego Gas & Electric (SDG&E) charges the District for

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pumping and other facilities the District must utilize in providing water service pursuant to the most recently approved Ordinance setting Water Rates by the Board and incorporated herein by reference. Prior to implementing a pass through increase, the District shall provide written notice of the increase not less than 30 days prior to the effective date of the increase.

Section 7.84.030 After Hours Call-Out Fee.

Customers shall be charged an After Hours Call Out Fee of \$50.00 per service visit to the customer's property, which will be charged by the District, in the General Manager's or his or her designee's discretion, for service calls made outside the District's normal hours of operation to a customer's property. The After Hours Call Out Fee will only be assessed by the General Manager for service calls which are determined by the General Manager to have been necessitated due to an issue on the customer's side of the meter. Customers may file a written appeal of the General Manager's determination to the Board.

Section 7.84.040 Reserve Fund for Rate Stabilization.

- A. The District formally establishes a water fund rate stabilization fund that will have a target of 10% of the projected annual net water sales revenue in any given year.
- B. The Rate Stabilization Fund is designed to mitigate the need for rate spikes in years of weak water sales by allowing the District to supplement operating revenues with money from this fund.

Section 7.84.050 90-Day Operating Fund.

- A. The District formally establishes a Water Fund 90 Day Operating Fund. This fund will be established for a target of 180 days of the annual net operating expenses, and not less than 90 days of the annual net operating expenses (total operating expenses less the cost of water and energy cost).
- B. The 90 Day Operating Fund is available for emergency repairs of the District's water system due to unforeseen events.

Section 7.84.060 Capital Projects Funds.

- A. The District recognizes the numerous financial advantages afforded by financing capital projects utilizing a cash-on-hand mechanism known as "Pay-as-you-go" (PAYGO), versus more costly debt service methods. In recognition of these advantages, including the water rate suppression effect of utilizing PAYGO financing, the District strives to maintain adequate cash balances in appropriate funds to pay for capital projects without utilizing debt proceeds (to the extent feasible).
- B. The District formally establishes Water Capital Projects Funds. These funds will have reserve levels that will be established for a not less than 0.5 years and a

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target of 1.0 years annual average capital projects costs over the projected following 5-years for (total capital expenses in all water capital project funds).

- C. The District's most recently adopted Water Facilities Plan shall serve as the primary basis for projected 5-year average capital project costs. The District's annual budget will also be utilized for projecting these annual figures.

Section 7.84.070 Debt Reserve Fund(s).

The District formally establishes an appropriate fund(s) to meet all debt covenant requirements held by the District that include financial obligations of operating the water system.

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Chapter 7.88

BILLING AND COLLECTION PROCEDURES GENERALLY

Contents:

- Section 7.88.010 Normal Water Billing Procedure.**
- Section 7.88.020 Billing for Undocumented Sewer Connections.**
- Section 7.88.022 Billing Existing Sewer Connections with Changes in Use Only.**
- Section 7.88.030 Vacation Water Billing Procedure.**
- Section 7.88.040 Water Service Termination Notification.**
- Section 7.88.050 Turnoff Procedure.**
- Section 7.88.060 Water Service Reinstatement Requirements.**
- Section 7.88.070 Deposits from Delinquent Water Accounts.**
- Section 7.88.080 Procedures for Water Billing Tenants.**
- Section 7.88.090 Liening Property for Delinquent Charges.**
- Section 7.88.100 Notification of Landlords Required When Meter Locked.**
- Section 7.88.110 General Manager Authority.**
- Section 7.88.120 Waiving of Fees.**
- Section 7.88.130 Water Service Deferred Payment Arrangements.**
- Section 7.88.150 Words Added to Water Billing.**
- Section 7.88.170 Policy on Discontinuation of Water Service.**
- Section 7.88.190 Appeals.**
- Section 7.88.200 Leak Repair Rebate Policy.**

Section 7.88.010 Normal Water Billing Procedure.

- A. Each account shall be billed on a monthly schedule depending on routes and service locations and type of use.
- B. Large agricultural customers are subject to special billing procedures adopted by this District in Chapter 7.92.
- C. Bills shall be mailed within seven working days of the date meters are read for the route.
- D. Bills will carry a due date of upon receipt.
- E. Accounts not paid by the twenty-third day from the due date shall have a late payment charge of ten percent added.
- F. The District shall make a twenty-five dollar (\$25) charge to a customer's account each time payments are made which are returned by the bank to the District for any reason.

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Section 7.88.020 Billing for Undocumented Sewer Connections.

The following policy is adopted to address undocumented sewer connections. An undocumented sewer connection is a parcel connected to the sewage system for which there is no record of the owner paying the connection fee, the sewer service charge and/or other applicable fees and charges.

- A. Sewer service charges shall be charged to a property owner who has been served by an undocumented sewer connection for that owner's period of occupancy, but not to exceed three years. Applicable sewer service charges shall be those in effect during the owner's period of occupancy. However, prior year(s) service charges shall only be charged if the undocumented sewer connection(s) is the result of an undocumented building addition. Future sewer service charges will be in conformance with Sections 7.52.040 or 7.54.040.
- B. Sewer connection fees will be charged to a property owner with undocumented sewer connections. The owner shall execute an application for sewer service and pay all fees and charges in accordance with Section 7.52.030 or 7.54.030.
- C. If a property owner does not execute an application for sewer service, the District shall bill the property owner with a description of the charges. The bill is due and payable thirty (30) days from the billing date. During this thirty (30) day period, the property owner may make payment in full or present proof of prior payment of the connection fees and the sewer service charges.
- D. After thirty (30) days, the bill becomes due and payable. Prior to ninety (90) days after the billing date, the property owner has the following payment options:
 1. Pay the entire bill; or
 2. Make installment payments by an interest bearing promissory note to be secured by a deed of trust or other form of lien agreement to be recorded against the property for the maximum period specified in the following table. The interest rate shall be at the Federal Funds Rate, at the time the note is executed, plus three percentage points. The installment payment plans shall be as follows:
 - a. District may allow up to 12 monthly installments for one to three increased EDUs from the existing use to the proposed use.
 - b. District may allow up to 24 monthly installments for more than three increased EDUs from the existing use to the proposed use.
- E. In the event of nonpayment after ninety (90) days from the billing date, or nonpayment of the installments, in addition to any other remedies, the District may assess a late penalty, terminate services, and/or file a tax lien against the property pursuant to the provisions of this Chapter.

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Section 7.88.022 Billing Existing Sewer Connections with Changes in Use Only.

The following policy is adopted to address existing sewer connections that are assessed additional sewer fees resulting from changes in property use only. An existing sewer connection is a parcel connected to the sewage system for which the District has records of the owner, or past owners, previously paying connection fees, sewer service charges and/or other applicable fees and charges for the subject parcel.

- A. Sewer service charges shall be charged to a property owner who has been served by an existing sewer connection. When a change in property use is proposed, the property owner shall make application to the District for reassessment of new sewer service charges based on the new property use in conformance with Sections 7.52.040 and/or 7.54.040, as appropriate.
- B. Sewer connection fees shall be charged to a property owner with existing sewer connections. When a change of property use is proposed, the property owner shall execute an application for sewer service and pay all fees and charges in accordance with Section 7.52.030 or 7.54.030.
- C. If a property owner does not execute an application for sewer service for a proposed change in property use, the District will bill the property owner for the difference between the existing property use and the proposed property use, based on the changed property use. The bill is due and payable thirty (30) days from the billing date.
- D. At the time an application for sewer services for proposed change in property use is submitted to the District, the property owner shall pay a prorated sewer service charge equal to the amount due from the date of the executed application to the end of the fiscal year for the difference between existing EDUs and the newly calculated EDUs. Future sewer service charges will be billed under the normal billing cycle.
- E. Prior to ninety (90) days after the billing date, the property owner has the following payment options:
 1. Pay the entire bill; or
 2. Make installment payments by an interest bearing promissory note to be secured by a deed of trust or other form of lien agreement to be recorded against the property for the maximum period specified as follows in this section. The interest rate shall be at the Federal Funds Rate, at the time the note is executed, plus three percentage points. The installment payment plans shall be as follows:
 - a. The District may allow up to 12 monthly installments for one to three increased EDUs from the existing use to the proposed use.
 - b. The District may allow up to 24 monthly installments for more than three increased EDUs from the existing use to the proposed use.

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- F. In the event of nonpayment after ninety (90) days from the billing date, or nonpayment of the installments, in addition to any other remedies, the District may assess a late penalty, terminate services, and/or file a tax lien against the property pursuant to the provisions of this Chapter.

Section 7.88.030 Vacation Water Billing Procedure.

Water customers who plan to be on vacation for a week or more may request to find out their balance due on their upcoming water bill through the customer service/billing department by telephone or in person. At that time their next regular billing will be estimated. Payment of the estimated amount should be made in advance by the customer in order to avoid any penalty charges or the locking of their meter. Once the customer has paid the bill their account will be marked "Vacation mm/dd/yr" and no penalty or lock up will be attached to the account for that billing cycle.

A water customer may request their meter be locked. There is no charge for this service which includes the labor to lock the meter, as well as a check and unlock when requested. This request is to be made in writing to the customer service/billing department by the owner of the property.

The water systems charge will continue to be billed every billing cycle.

Section 7.88.040 Water Service Termination Notification.

- A. Any account which remains unpaid on the termination date will be subject to turnoff.
- B. Any account which has not made payment as agreed upon through an approved amortized payment plan for a 60-day period will be subject to turnoff.
- C. A termination notice will be mailed giving a term date of at least (60) days from the billing due date and at least seven (7) business days prior to the termination of the water service. This notice shall be translated as required by Health and Safety Code Section 116922. The notice shall include the customer's name and address, the amount of the delinquency, the date by which payment or arrangement for payment is required in order to avoid disconnection, information about how to apply for an extension of time to pay the delinquent charges, instruction on how to petition for bill review and appeal, and instruction on how to request a deferred payment schedule or amortization of the delinquent charges. In the case of a landlord/tenant relationship, note the procedures for tenants, Section 7.88.080.
- D. At least five business days before actual shutoff, the District will make a reasonable, good faith effort to contact an adult person responsible for the delinquent account by telephone.
- E. In the event of a property owner becoming delinquent in paying on a water account occupied by a separate residential tenant occupant on an individually metered subject account, the District will provide written notice to tenant occupants, along with its required translations per California Health and Safety Code Section 116922, at least ten days prior to termination. The notice will include information

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on how residential tenant occupants can become customers, to whom the service will then be billed, without the requirement to pay any amount which may be due on the delinquent account upon verification that the delinquent account customer of record is or was the landlord, manager or agent of the dwelling. In the event of a tenant becoming a customer, all past due amounts including penalties and other charges incurred while the account was under the landlord will remain due and payable by the landlord of record until the entire debt amount has been collected.

Section 7.88.050 Turnoff Procedure.

- A. At least five (5) business days before service is discontinued, a notice will be posted at the meter(s) or property in a prominent and conspicuous location advising of the District's action. The notice shall be translated into the languages required by California Health and Safety Code Section 116922. The notice shall contain the account number(s), the amount(s) due, and the address where payments will be accepted, and information on how to restore residential service.
- B. The District will not terminate residential water service for nonpayment of a delinquent account in any of the following situations:
 - 1. Where the District has failed to give the termination notice specified in Section 7.88.040 and this section;
 - 2. During the pendency of an investigation by the District of a customer dispute or complaint, or an appeal of the water by filed by an adult at the residence;
 - 3. When a customer has been granted an extension of the period for payment of a bill, and the extension has not expired;
 - 4. If all the following conditions are met:
 - a. The customer submits certification from a primary care licensed physician or surgeon or other primary care provider as that term is defined in California Welfare and Institutions Code section 14088(b)(1)(A) (or its successor) that discontinuation of residential service will be life threatening to or pose a serious threat to the health and safety of a resident of the premises where service is provided, and
 - b. the customer demonstrates that he or she is financially unable to pay for service within the normal payment period as described in California Health and Safety Code Section 116910(a)(2) (or successor code section), and
 - c. the customer is willing to enter into an agreement with the District to amortize, over a period not to exceed twelve months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment.
 - 5. On any Saturday, Sunday, legal holiday or at any time during which the business of the District offices are not open to the public.
 - 6. Where termination would violate the law.

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Section 7.88.060 Water Service Reinstatement Requirements.

A customer may restore service by:

- A. Payment of all charges, including a reinstatement fee and a deposit will be required for reinstatement of service.
- B. Payment of a reinstatement fee which shall be fifty dollars per meter(s).
- C. For a residential customer who demonstrates that their household income is below 200 percent of the federal poverty line within the meaning of California Health and Safety Code section 116914, the reconnection fee shall not exceed the actual cost of reconnection, up to a maximum of \$50 for reconnection during normal business hours and \$150, if reconnection services are available during non-business hours, subject to annual adjustments for changes in the Consumer Price Index, and the District will waive interest charges on delinquent bills once every 12 months.

Section 7.88.070 Deposits from Delinquent Water Accounts.

- A. Each account which has become delinquent is subject to deposit requirements. Customers with demonstrated financial hardship, per California Health and Safety Code Section 116914, may be exempt from deposit requirements.
- B. The deposit will be the equivalent of the highest monthly billing cycle in the previous twelve months at the current billing rate, not to be less than one hundred dollars.
- C. The deposits collected under this section are refundable after a payment record has been established for a period of twelve months with no record of late payments, shutoff notices or returned payments.
- D. No interest will be paid on the deposit. The deposit will not be considered an advance payment, and the customer will be subject to compliance with the normal payment rules described in this policy.
- E. If an account is closed, the deposit will be returned less any sums owed the District.

Section 7.88.080 Procedures for Water Billing Tenants.

- A. A property owner may allow a tenant to receive a bill for service by executing an "owner authorization for billing." Execution of the authorization does not exempt the property owner from their responsibility for the charges, but only authorizes bills to be sent to a designated party other than the property owner.
- B. All owners of property having an owner authorization on file will be notified by mail when accounts become delinquent. The District may close a tenant account and

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require a property owner to open an account for a tenant with a history of delinquency in accordance with Section 7.88.100.

- C. All tenants will be required to pay a deposit of one hundred dollars. No interest will be paid on the deposit. The deposit will not be considered an advance payment, and the customer will be subject to compliance with the normal payment rules described in this policy. When the tenant closes the account, the deposit will be returned less any sums owed to the District.

Section 7.88.090 Liening Property for Delinquent Charges.

- A. Whenever charges for water or other services remain delinquent and unpaid for sixty days or more as of July 1st of any year, the District shall notify the holder of title to the property by certified mail that the delinquent and unpaid charges may become a lien on the property pursuant to Water Code Section 72100.
- B. A list of all properties having delinquent charges unpaid for sixty days or more on July 1st of any year shall be provided to the board of directors at the regular board meeting of July with recommendations as to whether tax liens should be filed for each account.
- C. Any delinquencies receiving board authority for tax lien shall be supplied to the county, on or before August 10th, for placement on the tax rolls in accordance with the county's fixed charge special assessment schedule.
- D. In addition to the procedures outlined above, the District may, in its discretion, at any time, secure the amount of any unpaid charges for water or other services by recording with the county recorder a certificate specifying the amount of such charges and the name and address of the person liable therefore, pursuant to Water Code Section 72102. Recording this certificate creates a lien upon all real property in the county owned by the person, and has the force, priority and effect of a judgment lien.
- E. Tax lien amounts which have been transferred to the tax rolls as described in subsection C of this section will be removed from utility bills.

Section 7.88.100 Notification of Landlords Required When Meter Locked.

All accounts which are recorded as tenant accounts will have the landlords notified of tenant delinquencies when a meter is locked for nonpayment. If at any time a tenant account becomes delinquent, the District may close the tenant's account and may require the property owner to open an account in lieu of the tenant.

Section 7.88.110 General Manager Authority.

- A. The General Manager is authorized to negotiate and compromise customer claims and accounts receivable of the District and to direct the writing off of such items in order to adjust District accounts upon making a determination that the compromise

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achieves a public purpose consisting of relinquishment of a legitimate claim against the District, provided that all items in excess of one thousand dollars (\$1,000) shall be subject to approval by the board of directors. The General Manager will notify the board of directors in writing of any amounts compromised under the General Manager's authority. Nothing in this section is intended to prevent a customer or the General Manager from appealing the claim to the board.

- B. The General Manager or his/her designee is authorized to initiate an action for the collection of delinquent accounts in small claims court in the Superior Court of California, County of San Diego. This collection option is in addition to any other remedies provided in this Chapter.
- C. The General Manager, or his/her designee, is authorized to execute applications for increased EDUs and associated payment plans.

Section 7.88.120 Waiving of Fees.

- A. Consideration is limited to:
 - 1. Late Charges. A customer will have a late charge waived upon request if he/she has had no late charges over the preceding two years and has not been granted such a waiver within the two-year period preceding the date of the late bill.
 - 2. Reinstatement Fee. A customer may have the reinstatement fee waived, at the sole discretion of the General Manager, or his or her designee, once every two years.
 - 3. Fees, interest and charges required to be waived pursuant to state law.
- B. A customer may appeal the denial of a waiver by the staff to the board of directors.

Section 7.88.130 Water Service Deferred Payment Arrangements.

A residential customer who has made a request, within thirteen (13) days of mailing of the notice of termination required by Section 7.88.010, for 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 of payment shall be given the opportunity for review of the request by the General Manager of the District. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance over a reasonable period of time, not to exceed 12 months. The Board of Directors establishes the following policy and charges relating to extension arrangements for accounts with the District:

- A. All residential customers, regardless of ownership or tenant status, are eligible for deferred payment arrangements.
- B. On any account where a tenant is responsible for the payment of the account, the owner must be notified of the existence of an arrangement to extend the period of payment.

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- C. Customers claiming extreme hardship must provide written documentation signed by the customer, and reviewed and signed by reviewing staff. Confirmation of the conditions described in California Health and Safety Code Section 116910(a)(1) and (2) shall be deemed an extreme hardship. Other unusual and extreme circumstances may be considered for alternative payment arrangements and requires approval by the Chief Financial Officer.
- D. The agreement shall be subject to an administrative fee of \$15.00 to account for the estimated reasonable cost of administration of the agreement. This fee does not apply to customers with demonstrated financial hardship, per California Health and Safety Code Section 116914.
- E. The existence of a payment arrangement will not affect the payment of future billings and associated penalties. All future billings during the term of the agreement are to be paid as stated on the billing statement.
- F. A customer may have only one alternative payment arrangement in effect at a time.
- G. Payment arrangements will not be made after the final five (5) day notice of intent to discontinue service.
- H. At least five (5) business days' notice will be given should the terms of the amortization agreement not be met by the person signing the arrangement or should such person fail to pay current residential service charges for sixty (60) days or more and service may then be discontinued according to the District's stated procedures for lock-up of service for nonpayment. This notice shall be translated as required by Health and Safety Code Section 116922.

Section 7.88.150 Words Added to Water Billing.

No words shall be added to water bills or on a paper stuffed in the envelope with water bills that deal with a subject not connected with RMWD's water business without prior approval by the Board of Directors.

Section 7.88.170 Policy on Discontinuation of Water Service.

- A. Chapter 7.88 of the Legislative Code shall constitute the District's written policy on discontinuation of residential service for nonpayment and will be posted on the District's website in those languages required by California Health and Safety Code Section 116906(a) (or its successor). This policy will be provided to any customer in writing, upon request in writing.
- B. Any customer may contact District staff by telephone at the customer service phone number posted on the Ramona Municipal Water District's website (760-788-2200) to discuss options for averting discontinuation of residential service for nonpayment.
- C. Staff will report the number of annual discontinuations of residential service for inability to the Board, who shall require it be posted on the District's website.

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- D. The District may, but is not required to, follow any or all of the procedures set forth in its policy on discontinuation of residential service for nonpayment where the termination of service is due to an unauthorized action of a customer.

Section 7.88.190 Appeals.

Any customer may contest or appeal a bill by following the procedures identified in Legislative Code Section 7.04.100 "Appeal Procedure".

Section 7.88.200 Leak Repair Rebate Policy

- A. Policy. A leak repair rebate is available to customers who experience above average water consumption due to leaks that have since been repaired. The leak rebates will be limited to one (1) billing period and will also be limited to one rebate every 60 months. The 60-month period begins the first month of the billing period following the last billing period for which the loss of water rebate was prepared. The General Manager or designee will administer this policy.
1. The District is not responsible for any leak due to lack of notification as it is the customer's sole responsibility to determine leaks and/or excessive water use.
 2. The District reserves all rights to discontinue or suspend this policy at any time for any reason by action of the Board of Directors.
- B. Criteria and Procedure.
1. A leak rebate form must be properly completed by the customer and submitted with original repair receipts within 22 days of the statement date of an affected bill to avoid penalties. Customers are advised to pay their water bill in full or enter into a payment arrangement per Section 7.88.130 while a rebate is pending to avoid penalties. For accounts that experienced a leak within the previous 12 months prior to adoption of this policy, the leak rebate form is due within 30 days of the Board's adoption of this policy.
 2. The customer has to have taken reasonable attempts to mitigate the leak.
 3. A rebate will be considered if the water consumption for the billing period(s) requested by the customer is more than twice the normal average for the same billing period when compared to the last three (3) years.
 - a. If the historical consumption is not available, then the consumption must be at least twice the property's historical average consumption.
 4. The repair must be completed within 22 days of the statement date of an affected bill.
 5. No rebate will be given if the District determines that excess water use was caused by customer negligence or non-responsiveness to warning signals, such as higher water bills, leak notifications, visible water, or other factors that should have made the customer reasonably aware of leak.

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6. No rebate will be given if a third party is responsible for the water loss at the customer's property and can potentially be pursued for reimbursement by the customer.
7. No rebate will be given due to resetting irrigation timers at the customer's property, whether intentional or not.
8. The rebate will only be applied to the treated water or untreated water volumetric rate charge. Rebates will not be applied to other fixed or variable charges such as: monthly water service charge and pumping rate (variable).
9. The District's water bills are composed of a fixed meter charge, a volumetric pumping rate and a volumetric usage rate. The volumetric usage rate is comprised of a SDCWA and RMWD rate. The maximum value of the leak rebate will be determined by adjusting the bill by the value of the RMWD volumetric rate only and will only apply to the usage above 10 units or the customer's typical monthly use, whichever is higher.
10. The maximum amount of the leak rebate shall be \$1,000.
11. The District will allocate \$20,000 per fiscal year towards this leak rebate program. Rebates are available on a first-come, first-serve basis. If the District expends the available rebates in any fiscal year, the eligible customer may request the rebate in the following fiscal year.

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Chapter 7.92

AGRICULTURAL WATER USE BILLING AND COLLECTION PROCEDURES

Contents:

Section 7.92.010	Definitions
Section 7.92.020	Normal Billing Procedure.
Section 7.92.030	Termination Notification.
Section 7.92.040	Turnoff Procedures.
Section 7.92.050	Procedure for Unlocking Meter.
Section 7.92.060	Deposits from Delinquent Accounts.
Section 7.92.070	PSAWR Program Purpose.
Section 7.92.080	PSAWR Eligibility.
Section 7.92.090	Entering and Exiting the PSAWR Program.
Section 7.92.100	Loss of PSAWR Eligibility.
Section 7.92.110	PSAWR Compliance with Superceding State Action.
Section 7.92.120	Enforcement of PSAWR Provisions.
Section 7.92.130	Right to Appeal.
Section 7.92.140	PSAWR Changes and Further Information.

Section 7.92.010 Definitions.

For purposes of this chapter, the following words and phrases shall have the following definitions:

“Agricultural” means customers who grow or raise, for commercial purposes, products of an agricultural, horticultural, or floricultural nature in the District’s service area

“Domestic/Commercial” means a class of service that is not enrolled into the PSAWR program.

“MWD” means the Metropolitan Water District of Southern California

“Non-Service Limitation” means any period in which there are no service limitations imposed to PSAWR customers.

“Permanent Special Agricultural Water Rate (PSAWR)” means a program implemented by the San Diego County Water Authority and administered by the RMWD, providing a class of service to eligible commercial agricultural customers. Eligible customers receive a separate water rate in exchange for a lower level of water service during water shortages or emergencies.

“RMWD” means Ramona Municipal Water District

“SDCWA” means San Diego County Water Authority

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Section 7.92.020 Normal Billing Procedure.

Each agricultural account shall be subject to billing procedures adopted by this District in Chapter 7.88.

Section 7.92.030 Termination Notification.

Agricultural customers are subject to termination notification procedures adopted by this District in Chapter 7.88.

Section 7.92.040 Turnoff Procedures.

Agricultural customers are subject to turnoff procedures adopted by this District in Chapter 7.88.

Section 7.92.050 Procedure for Unlocking Meter.

Agricultural customers are subject to procedures for unlocking a meter adopted by this District in Chapter 7.88.

Section 7.92.060 Deposits from Delinquent Accounts.

Agricultural customers are subject to procedures for deposits from delinquent accounts adopted by this District in Chapter 7.88.

Section 7.92.070 PSAWR Program Purpose

- A. The San Diego County Water Authority (SDCWA) Permanent Special Agricultural Water Rate Program (PSAWR) provides discounted wholesale supply pricing for eligible agricultural customers (PSAWR customers) growing or raising, for commercial purposes, products of an agricultural, horticultural, or floricultural nature, within its service area.
- B. In exchange for a reduced wholesale cost of water, PSAWR customers receive a lower level of retail supply reliability and must be prepared to reduce consumption, by the amount, and for the period of time as determined necessary by the Metropolitan Water District (MWD) and/or the SDCWA.

Section 7.92.080 PSAWR Eligibility

- A. To be eligible for participation, the PSAWR customer must demonstrate that water delivered by the District is being used for growing or raising products of an agricultural, horticultural, or floricultural nature, as well as demonstrate enrollment in and remain an active participant in one of the following four eligibility lists:

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1. General Agricultural Orders Enrollment List – Provided by the San Diego Regional Water Quality Control Board
 2. Grower's List – Provided by the County of San Diego Department of Agriculture, Weights and Measures
 3. Certified Producers List – Provided by the County of San Diego Department of Agriculture, Weights and Measures
 4. Organic Producers List - Provided by the County of San Diego Department of Agriculture, Weights and Measures
- B. PSAWR Customers are subject to information and associated data requests from the District.
- C. Properties receiving the PSAWR credit are subject to reasonable field inspection and audit access by the San Diego County Water Authority to determine if the use of water meets the PSAWR participation qualification requirements.
- D. Failure by PSAWR customers to respond in a timely manner to requests for information and associated data and/or provide reasonable access for field inspection or audit of property receiving water under the PSAWR may result in automatic removal from the PSAWR program and subsequent water use on the property will be classified as, and billed as, Domestic/Commercial.
- E. PSAWR Customers will be re-verified annually by the District to confirm their eligibility for participation in PSAWR and, subject to District review, may be removed from PSAWR and reclassified as Domestic/Commercial customers, losing the benefit of the discounted pricing differential. Failure to complete the required recertification process in a timely manner, as determined by the District, may result in immediate removal from the PSAWR program.
- F. PSAWR customers who knowingly no longer meet the eligibility requirement for participation in the PSAWR are required to inform the District within 30 days. PSAWR customers no longer qualifying for the discounted pricing differential and who have continued to accept the discounted supply may be required to refund the differential amount for the period in which the water was utilized for non-PSAWR qualified purposes and may otherwise be subject to penalties and charges as required by SDCWA.

Section 7.92.090 Entering and Exiting the PSAWR Program

- A. Eligible participants may apply for the PSAWR program, by submitting a PSAWR Program Enrollment Form, at any time during non-service limitation periods.
- B. Once a property is enrolled into the PSAWR program, if that parcel is removed from the program for any reason, the parcel number associated with that retail meter account will not be able to re-enter the PSAWR Program unless the parcel

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legally changes ownership in an arm's length commercial transaction made by two parties freely and independently of each other, and without some special relationship, as verified by the District.

Section 7.92.100 Loss of PSAWR Eligibility

If an active PSAWR Program participant's parcel becomes ineligible for the PSAWR Program during a non-service limitation period, and is removed or dropped from one of the four eligibility lists maintained by the County of San Diego or San Diego Regional Water Quality Control Board, the District, as a member agency, may appeal the participant's loss of eligibility by providing written notice and supporting documentation to SDCWA. Within 30 days of receiving the appeal request from the District, SDCWA shall review the appeal and provide a written response supporting or opposing re-instatement of the PSAWR Program participant's eligibility. An appeal request will not be considered if the participant requests in writing to opt-out of the PSAWR Program. Any decision of SDCWA is final.

Section 7.92.110 PSAWR Compliance with Superseding State Action

All SDCWA PSAWR implementation provisions may be superseded by state action through executive order, emergency legislation, promulgation of regulations or other actions which impose conditions, requirements, or procedures that are not included in this Chapter. The General Manager is authorized to implement such other actions, conditions, requirements or procedures as are reasonably required to bring the District into functional conformity with such conditions, requirements, or procedures. In such an event, the General Manager shall notify the Board of Directors of any such implemented actions, conditions, requirements or procedures at the next regular Board Meeting unless a special meeting is warranted and called per Section 2.08.020.

Section 7.92.120 Enforcement of PSAWR Provisions

- A. If MWD reduces supply, PSAWR customers will receive allocations determined by the percentage reduction for the time period imposed by MWD and the most recently completed fiscal year PSAWR deliveries. PSAWR customers shall be subject to the following enforcement provisions during the period in which a mandatory water use reduction has been implemented by the MWD and the SDCWA.
- B. PSAWR customers using water at or below the annual allocation will pay the normal applicable water rate.

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- C. PSAWR customers using water above the allocation for an individual account or account group will pay the normal applicable water rate and any penalties for over-use as determined by MWD and the SDCWA.

Section 7.92.130 Right to Appeal

- A. Decisions made by District staff can be appealed and addressed to the General Manager, or his/her designee. All appeals shall be filed within 15 calendar days of the date of the provision or decision being appealed. The General Manager shall then have 30 calendar days to render a written decision on the appeal.
- B. All decisions by the General Manager may be appealed to the Board of Directors. Requests for appeals to the Board shall be made in writing within 15 calendar days of the decision by the General Manager and will be placed on an agenda for review and action at a subsequent meeting of the Board. The decision by the Board of Directors shall be final.
- C. During the appeal process all implementation provisions and staff decisions under appeal shall remain in full effect until the conclusion of the appeal process.

Section 7.92.140 PSAWR Changes and Further Information

District staff is aware that there are possible future implementation policy decisions at SDCWA which could impact the content of the District's administration of the PSAWR Program. For additional information on the PSAWR program, including a complete list of program's policies and procedures, refer to the current calendar year's SDCWA PSAWR Program Handbook. The District's PSAWR Program is directly subject to the SDCWA implementation provisions and guidance as amended from time to time which may be further amended or superseded by SDCWA action through executive order, emergency legislation, promulgation of regulations or other actions which impose conditions, requirements, or procedures that are not included in this Chapter. The General Manager is authorized to implement such other actions, conditions, requirements or procedures as are reasonably required to bring the District into functional conformity with such conditions, requirements, or procedures. In such an event, the General Manager shall notify the Board of Directors of any such implemented actions, conditions, requirements or procedures at the next regular Board Meeting unless a special meeting is warranted and called per Section 2.08.020. Any such SDCWA changes to the PSAWR program are automatically adopted and applicable to the District's PSAWR Program.

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Chapter 7.94

IDENTITY THEFT PREVENTION PROGRAM

Contents:

Section 7.94.010	Declaration of Policy.
Section 7.94.020	Definitions.
Section 7.94.030	Designation of Authority.
Section 7.94.040	Compliance Reports to be Prepared by RMWD Staff.
Section 7.94.050	Red Flags Identified by RMWD.
Section 7.94.060	Procedures for Identifying Red Flags.
Section 7.94.070	Procedures for Responding to Red Flags.
Section 7.94.080	Training of Staff.
Section 7.94.090	Use of a Third Party Service Provider to Assist in the Implementation of the Program.
Section 7.94.100	Periodic Identification of Customer Accounts.
Section 7.94.110	Periodic Update of the Program.

Section 7.94.010 Declaration of Policy.

The Fair and Accurate Credit Transaction Act of 2003 (“FACTA”), section 114, as implemented by the Red Flag Rules, 16 C.F.R. § 681.2, issued by the Federal Trade Commission along with other federal agencies requires creditors of customer accounts to implement an Identity Theft Prevention Program. Pursuant to the regulations, the Ramona Municipal Water District (“RMWD”) is a creditor because it provides services to customers prior to receipt of payment through customer accounts, including utility service accounts, which are maintained primarily for personal, family or household purposes and involve multiple payments or transactions, and for which there is a reasonably foreseeable risk of identity theft. Therefore, RMWD is required to implement an Identity Theft Prevention Program.

The purpose of this Identify Theft Prevention Program (“Program”) is to detect, prevent and mitigate identity theft in connection with all customer accounts, taking into consideration the level of risk for identity theft given the RMWD’s scope of services provided and the types of accounts. This Program is created to identify patterns, practices and specific activities that indicate the possible existence of identity theft, hereinafter referred to as “Red Flags.” The Program sets forth the procedures for detecting Red Flags and responding to Red Flags when discovered.

Section 7.94.020 Definitions.

“Customer account” shall mean a utility service account or other account provided by RMWD that constitutes a “covered account” under the Red Flag Rules.

“Identity theft” shall mean a fraud committed or attempted using the personal identifying information of another person without his/her authority (16 C.F.R. § 603.2 (a)).

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“Personal identifying information” shall mean information that may be used to identify a specific person, including, but not limited to, a social security number, date of birth, government issued driver’s license or identification number, government passport number, unique biometric data such as fingerprints or physical appearance, any unique electronic identification number, telephone number or address.

“Red Flag” shall mean a pattern, practice or specific activity that indicates the possible existence of identity theft as defined in the Red Flag Rules, and as specifically enumerated in Section 7.94.050 (16 C.F.R. § 681.2).

Section 7.94.030 Designation of Authority.

The Board of RMWD designates the authority to develop, oversee, implement and administer the Program to the General Manager or his or her designee.

A part of the General Manager or his or her designee’s oversight responsibilities for the Program includes the review and approval of all material changes to the Program as necessary to address changing identity theft risks. The General Manager or his or her designee is also responsible for reviewing reports prepared by RMWD’s staff regarding RMWD’s compliance with FACTA and the Red Flag Rules requiring the implementation of an Identity Theft Prevention Program.

Section 7.94.040 Compliance Reports to be Prepared by RMWD Staff.

The General Manager or his or her designee will designate RMWD staff involved with the implementation of the Program to prepare reports regarding RMWD’s compliance with FACTA and the Red Flag Rules requiring the implementation of an Identity Theft Prevention Program. The reports should address material matters related to the Program, such as the following:

- A. The effectiveness of the RMWD’s policies and procedures to address the risk of identity theft in connection with opening customer accounts, as well as with existing accounts. This includes identifying any issues related to identifying, detecting and responding to Red Flags;
- B. Third-party service provider arrangements;
- C. Significant incidents of identity theft or Red Flag detection, and RMWD’s responses to those incidents;
- D. Recommendations for material changes to the program to ensure that customer accounts are adequately protected from the risk of identity theft.

The reports should be prepared at least annually for review by General Manager or his or her designee and/or the Board.

Section 7.94.050 Red Flags Identified by RMWD.

In identifying the Red Flags applicable to RMWD’s customer accounts, RMWD considered the following risk factors:

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- A. The types of accounts RMWD maintains;
- B. The methods RMWD provides to open customer accounts;
- C. The methods RMWD provides to access customers' accounts;
- D. RMWD's previous experiences with identity theft in connection with the customer accounts.

The Red Flags identified in this Program have been incorporated from sources, which include supervisory guidance, past incidents of identity theft, and changes in methods of identity theft risk.

RMWD's Identified Red Flags are as follows:

- A. Alerts, notifications or other warnings received from consumer reporting agencies or service providers providing fraud protection services:
 - 1. Fraud or active duty alerts from consumer reports.
 - 2. Notice of a credit freeze from a consumer reporting agency in response to request for a consumer report.
 - 3. Notice of address discrepancy provided by a consumer reporting agency.
 - 4. A consumer report indicates a pattern of activity that is inconsistent with the history or usual pattern of activity of a customer or applicant.
 - 5. Recent significant increase in the volume of inquiries of the customer's credit.
 - 6. Unusual number of recently established credit relationships.
 - 7. A material change in the use of credit, especially in regards to credit relationships recently established.
 - 8. A customer had an account with RMWD or any other creditor that was closed for cause or identified for abuse of account privileges.
- B. Suspicious Documents:
 - 1. Documents used for identification purposes appear to have been altered or forged.
 - 2. The photograph or physical description on the identification documents do not match the appearance of the person presenting the identification.
 - 3. Other information in identification documents does not match the information provided by the individual presenting the identification documents.

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4. Other information in the identification documents does not match the information on file with RMWD.
 5. The application to open the account appears to have been forged, altered, or gives the appearance of having been destroyed and reassembled.
- C. Suspicious Personal Identifying Information:
1. Personal information provided is inconsistent with information provided by an external source, for example where the address provided does not match the address contained in a consumer report.
 2. Personal identifying information is inconsistent with other personal identifying information provided by the customer; such as a date of birth and the social security number range that do not correlate.
 3. Personal identifying information provided is associated with known fraudulent activity, as indicated by internal or third-party sources, such as the address or phone number on an application was previously provided on another fraudulent application.
 4. Personal identifying information is of a type commonly associated with fraudulent activity, as indicated by internal or third-party sources, such as a fictitious address, or an invalid phone number.
 5. The social security number provided is the same as the social security number of another applicant attempting to open an account or an existing customer.
 6. The address or telephone number provided is the same as other individuals attempting to open an account or existing customers.
 7. The individual opening the account cannot provide all of the required personal identifying information for an application.
 8. Personal identifying information is inconsistent with the information provided by the customer on file with RMWD.
 9. Where challenge questions are used by RMWD to verify the identity of an individual, the individual claiming to be the customer cannot answer challenge questions correctly.
- D. Unusual Use of or Other Suspicious Activity Related a Customer Account:
1. Shortly after receiving a notice of change of address for the account, RMWD receives a request to add another name to the account.
 2. A new account is used in a manner commonly associated with known patterns of fraud, such as a first payment is made, and then no subsequent payments are made.

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3. An account is used in a manner inconsistent with the established pattern of activity for the account, such as a nonpayment where there has never been a late or missed payment.
 4. An inactive account becomes active.
 5. Mail sent to the customer is returned repeatedly.
 6. RMWD is notified that a customer is not receiving his/her paper account statements.
 7. RMWD is notified of unauthorized transactions on a customer's account.
- E. Notice of Possible Identity Theft:
1. RMWD is notified by a customer of possible identity theft in connection with his/her account.
 2. RMWD is notified by a victim of identity theft of possible identity theft in connection with a customer account.
 3. RMWD is notified by law enforcement of possible identity theft in connection with a customer account.
 4. RMWD is notified by others of possible identity theft in connection with a customer account.

Section 7.94.060 Procedures for Identifying Red Flags.

The following procedures are being implemented by RMWD to detect the Red Flags identified with opening of accounts and existing accounts identified above:

- A. Obtain personal identifying information of an individual to verify his/her identity prior to opening an account.
- B. Authenticate the identity of customers when they are requesting information about their accounts.
- C. Authenticate the identity of customers when they are requesting to make any changes to their accounts.
- D. Verify the validity of all billing address change requests.
- E. Conduct a credit check when opening a new account.
- F. Monitor transactions.
- G. Verify all requests to change banking information used for payment purposes.

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Members of RMWD's staff will be assigned and trained to detect Red Flags. In addition, RMWD may employ the services of a third party service provider and/or utilize computer software programs to assist in detecting Red Flags.

Section 7.94.070 Procedures for Responding to Red Flags.

In order to prevent and mitigate identity theft, and after taking into consideration the risks of identity theft applicable to the customer accounts, RMWD implements the following procedures to respond to all Red Flags that are discovered. One or more of these procedures will be used each time a Red Flag is detected:

- A. Monitor accounts for evidence of identity theft.
- B. Contact the Customer.
- C. Change or add a password, security code or other device that provide access to the account.
- D. Reopen an account with a new account number.
- E. Close an existing account.
- F. Not open a new account.
- G. Not selling an account to a debt collector.
- H. Not attempting to collect on an account.
- I. Notify law enforcement.
- J. Determine that no response is warranted given the particular circumstances.
- K. Ask the customer to appear in person with government issued identification.
- L. Require a deposit to be paid before providing service.
- M. Do not provide account information to anyone other than the account holder, or other individual authorized by the account holder.
- N. Update all account information.
- O. Deactivate payment method, such as a credit card registered for online payment.
- P. Connect or disconnect service.
- Q. Initiate an investigation.

In addition to any of the actions above, the General Manager or his or her designee will be notified of any Red Flags discovered.

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Section 7.94.080 Training of Staff.

RMWD staff that will be directly involved with opening customers' account or servicing customer accounts in a manner that would place them in a position to detect Red Flags, or allow them access to customers' private information shall be trained to detect Red Flags and appropriately respond when Red Flags are discovered. RMWD's staff participation is crucial to the effective implementation of this Program.

The General Manager or his or her designee will oversee all staff training to ensure that training is adequate to ensure effective implementation of the Program.

Section 7.94.090 Use of a Third Party Service Provider to Assist in the Implementation of the Program.

RMWD may hire a third-party service provider in order to implement this Program. The third party service provider may provide services such as the implementation and administration of computer software programs that detect Red Flags. If a third-party service provider is used to assist in the detection of Red Flags, the third-party service provider is required to immediately notify the General Manager or his or her designee if any Red Flags are discovered.

If RMWD employs a third-party service provider to perform any activity in connection with a customer account, the General Manager or his or her designee is responsible for ensuring that the activity is conducted in compliance with reasonable policies and procedures to detect prevent and mitigate the risk of identity theft. The General Manager or his or her designee's oversight shall include periodic meetings and/or receipt and review of periodic reports from the third-party service provider regarding what services are being provided, any Red Flags that have been detected, and any possible modifications to the services provided to increase the effectiveness.

Section 7.94.100 Periodic Identification of Customer Accounts.

The General Manager or his or her designee will periodically review the types of accounts it maintains for customers to determine which are "covered accounts" under the Red Flag Rules, and therefore are subject to this Program.

Section 7.94.110 Periodic Update of the Program.

This Program shall be updated periodically to ensure that the identified Red Flags, the procedures to detect Red Flags, and the responses to the Red Flags when discovered adequately, protect customers from identity theft. The updating of the Program should take into consideration any changes in the customers' level of risk of identity theft by looking at the following factors:

- A. RMWD's recent experiences with identity theft in connection with the customer accounts.
- B. Changes in methods of identity theft.
- C. Changes in methods of detecting, preventing and mitigating identity theft.

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- D. Changes in the types of customer accounts offered.
- E. Changes in arrangements with any third-party service providers involved in the implementation of the Program.

RMWD staff may recommend modifications to the Program. However, any modification to the Program may not be implemented unless first approved by the Board.

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Chapter 7.98

CONTINUANCE OF UNTREATED WATER RATES AND SERVICE FOR TREATED WATER CONVERSION OF THE QUAIL CROSSING AND ARCHIE MOORE ROAD AREAS WITHIN HIGHLAND VALLEY ASSESSMENT DISTRICT NO. 79-1

Contents:

- Section 7.98.010** **General.**
- Section 7.98.020** **District Responsibility and Rates.**
- Section 7.98.030** **Assessor's Parcel Numbers to Which Rates and Service Apply.**

Section 7.98.010 **General.**

- A. The rates and services regarding continuation of untreated water rates and services for treated water conversion apply to the parcels identified in 7.98.030.

Section 7.98.020 **District Responsibility and Rates.**

- A. District shall own, maintain, and annually certify backflow devices installed for irrigation service as identified 7.98.030.
- B. Untreated water rates and untreated monthly service charges and interruptible agricultural credits for the parcels identified in 7.98.030 shall remain in effect for agricultural service as adjusted from time to time by the Board of Directors consistent with untreated water rates and charges applicable to all District untreated water users.

Section 7.98.030 **Assessor's Parcel Numbers to Which Rates and Service Apply.**

- A. The parcels, to which untreated water rates and services for treated water conversion as contained in this chapter shall apply, are listed below.
 - 1. APN 277-110-3900
 - 2. APN 277-110-3700
 - 3. APN 277-100-3600
 - 4. APN 277-110-3100
 - 5. APN 277-110-3200
 - 6. APN 277-110-3300
 - 7. APN 277-110-3400
 - 8. APN 277-110-3600
 - 9. APN 277-110-0400
 - 10. APN 277-111-1600
 - 11. APN 277-100-5500
 - 12. APN 277-100-4300

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13. APN 277-111-1700
14. APN 277-110-3800
15. APN 277-110-5900
16. APN 277-110-6000
17. APN 277-110-6100
18. APN 278-091-6800
19. APN 278-091-6900
20. APN 278-091-7000
21. APN 278-091-7200
22. APN 277-100-1600
23. APN 277-100-1900
24. APN 277-100-2500
25. APN 277-100-4100
26. APN 277-100-4200
27. APN 278-091-7000
28. APN 277-100-4500
29. APN 277-100-4700
30. APN 277-100-4800
31. APN 277-100-4900
32. APN 277-100-5400

- B. Any of the parcels that are listed in 7.98.030.A that are subsequently split may receive untreated water rates and services contingent upon District analysis of capacity and other system constraints.
- C. Any of the parcels that are listed in 7.98.030.A that are subsequently split and require additional backflow prevention devices shall result in the payment, by the new owner, for a backflow prevention device and all costs associated with the maintenance and annual certification of the backflow device.

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Chapter 8.03

VACATION OF EASEMENTS

Contents:

Section 8.03.010 **Policy.**
Section 8.03.020 **Procedure.**

Section 8.03.010 **Policy.**

- A. Subsequent to Board approval authorizing the vacation of an easement, the District Engineer is authorized to execute the vacation of an easement dedicated to the District pursuant to this chapter.
- B. An owner or owners of real property within the District that is subject to an easement for District facilities may submit a formal request for the District to vacate such easement. The District may require such requests to be made on District forms.
- C. A deposit shall be made to pay for District's costs in accordance with Section 2.44.020 of the District Legislative Code, unless the vacation is associated with a replacement easement initiated by the District.
- D. The District Engineer shall request fair market value for the vacation of the easement or accept a trade for an equivalent easement needed by the District. If the owner can demonstrate that the easement was provided without any form of compensation, then the District Engineer may vacate the parcel at no cost except the District's actual costs in Section 8.03.010 C.

Section 8.03.020 **Procedure.**

- A. The District Engineer shall review any request for vacation of an easement within a reasonable time of receipt of such request. The request for vacation of such easement, if it is determined by the District Engineer that the easement is not needed in the foreseeable future, and upon making at least one of the following findings and determinations, shall be presented to the Board for approval:
 - 1. The easement has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years immediately preceding the proposed vacation; or
 - 2. The date of dedication or acquisition is less than five (5) years, and more than one (1) year, immediately preceding the proposed vacation, and the easement was not used continuously since that date; or

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3. The easement has been superseded by relocation and there are no other public facilities located within the easement.
- B. If the Board approves the vacation of an easement dedicated pursuant to this Chapter, the District Engineer shall execute the vacation of the easement by causing:
1. A signed and notarized Easement Vacation to be recorded with the County Recorder of the County in which the subject property is located.
 2. Send a copy of such Pipeline Easement Vacation to the applicant property owner at the address provided by the applicant for such purpose. Notwithstanding the foregoing, failure to submit a copy of the Easement Vacation to the property owner shall not affect the validity of the vacation and the recordation shall be considered constructive notice of the vacation.
 3. The Easement Vacation recorded pursuant to this Section shall contain the name or other designation of the easement and a precise description of the portion vacated, which may make reference to a recorded map, and certifying to the facts under which the vacation is approved and that appropriate findings have been by the District in accordance with the requirements of the Section.
- C. If the District Engineer does not make the required findings pursuant to this Section for vacation of an easement, the District Engineer may deny the application for vacation by notifying the application property owner of the reason or reasons why the required findings pursuant to this Section cannot be made. The decision of the District Engineer shall be final except that it shall not affect the authority of the Board of Directors to vacate an easement pursuant to its authority under the Streets and Highways Code, as set forth in Subsection (D) below.
- D. This Section shall not limit the authority of the Board of Directors to vacate an easement dedicated to the District pursuant to the procedures set forth in Streets and Highways Code section 8300 et seq.

Chapter 8.04

IMPLEMENTATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT

Contents:

- Section 8.04.010** **State CEQA Guidelines Adopted by Incorporation.**
Section 8.04.020 **Additional Rules and Procedures Authorized as Needed.**
Section 8.04.030 **Environmental Evaluation of Projects: Time Limits.**

Section 8.04.010 **State CEQA Guidelines Adopted by Incorporation.**

The State CEQA Guidelines, and all future amendments and updates by the Secretary of Resources, are adopted as the guidelines for environmental regulation of actions within the District. The State CEQA Guidelines are to assist the District in implementing the provisions of the California Environmental Quality Act (CEQA). These Guidelines have been adopted by reference pursuant to California Code of Regulations, Title 14, Section 15022(d).

Section 8.04.020 **Additional Rules and Procedures Authorized as Needed.**

The District may adopt any specific rules or procedures necessary to tailor the general provisions of the State CEQA Guidelines to the specific operations of the District, as needed or as deemed necessary and convenient in order to carry out the intent and purposes of CEQA.

Section 8.04.030 **Environmental Evaluation of Projects: Time Limits.**

- A. For projects requiring the District to issue a lease, permit, license, certificate, or other entitlement, the District must comply with the following time limits for environmental evaluation:
1. Not to exceed one year for completing and certifying environmental impact reports; and
Not to exceed one hundred eighty days for completing and adopting negative declarations.
- B. The foregoing time limits shall commence on the date the District receives and accepts as complete an application requesting approval of the project.
- C. If compelling circumstances justify additional time and the project applicant consents thereto, the District may provide for a reasonable extension of the foregoing time limits.
- D. The foregoing time limits shall apply only to those circumstances in which the District is the lead agency pursuant to CEQA.

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Chapter 99.04

Contents:

Section 99.04.010 Proposition NN.

Section 99.04.010 Proposition NN.

ORDINANCE 108

AN ORDINANCE OF THE RAMONA MUNICIPAL WATER DISTRICT OF CALIFORNIA ADOPTED BY THE VOTERS OF THE DISTRICT AS PROPOSITION 'NN' ON NOVEMBER 8, 1988 REQUIRING PUBLIC APPROVAL OF WATER DISTRICT EXPENDITURES FOR MAJOR PROJECTS.

WHEREAS, major capital improvement projects and the acquisition and/or development of real estate by the Ramona Municipal Water District (hereinafter referred to as "District") have profound financial impacts upon the budget of the District and upon the tax burden imposed upon the taxpayer; and

WHEREAS, it is essential for the taxpaying public to exercise direct control over public dollars to limit the size of public indebtedness; and

WHEREAS, it is the intent of this Ordinance to provide the citizens and taxpayers of the District with an opportunity to express directly their preference by vote prior to major District expenditures;

NOW, THEREFORE, The Ramona Municipal Water District, California DOES HEREBY ORDAIN as follows:

Section 1 Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the following definitions:

"Effective Date" shall mean the date on which this Ordinance measure was adopted by the voters of the Ramona Municipal Water District.

"Real Property Acquisition" shall mean the purchase or lease of any real property, improved or unimproved, within or without the corporate limits of the Ramona Municipal Water District to be paid for in part by District funds.

"Improvement to Real Property" shall mean the actual physical construction on real property owned, leased, or controlled by the District, or the modification, enlargement, or alteration of existing structures on such property.

"Capital Improvement Projects" shall mean the actual physical construction of improvements, or the modification, enlargement, or alteration of existing improvements on any project, including

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but not limited to water, sewer and waste disposal projects on special assessment districts, which is to be paid in whole or in part by District funds or by funds obtained by the District from whatever source, including but not limited to state and federal grants which are administered by the District.

“District Funds” shall mean Ramona Municipal Water District general fund monies, federal general revenue sharing monies and all other monies obtained by the District, including but not limited to categorical federal and state grants available to the District for specific purposes or developer fees.

“Public Debt” shall mean General Obligation Bonds, Revenue Bonds, Certificates of Participation, Bonds issued by a non-profit public benefit corporation or other entity, on similar debt instruments, issued in lieu of traditionally accepted public financing techniques.

“Authorized Debt Limit” shall mean the maximum amount of public debt which shall be incurred in connection with any one project subject to the provisions of this Ordinance without complying with the election requirement of Section 2. Except as established in Section 6 herein, the Authorized Debt Limit per project shall be \$1,000,000 as of the effective date of this Ordinance, and shall not be retroactive, and shall be adjusted on January 1 of 1989, and shall be adjusted on January 1 of every year thereafter based on the percentage increase or decrease in the San Diego Area Consumer Price Index for all Urban Consumers as compiled by the United States Department of Labor, Bureau of Statistics. If such consumer price index is no longer published, then another similar, generally recognized index may be used subject to the approval of the District. For purposes of applying the Authorized Debt Limit, individual projects shall not be cumulated over any period of time; rather, the Authorized Debt Limit shall be applied on a per-project basis.

“Proceeds of Taxes or Fees” shall mean proceeds of property, business license, sales, any other taxes, developer fees, special assessment district fees, or other fees collected by the District.

Section 2 Vote Required.

Except as otherwise provided for herein in Section 6 the District shall not participate in a Capital Improvement Project, property acquisition and/or make any improvement to real property for which the amount of Public Debt incurred, or the proceeds of Taxes or Fees used in such Project, or any combination thereof, will exceed the Authorized Debt Limit unless the Proposed capital improvement project, property acquisition and/or improvement project and the proposed expenditure is first placed upon the ballot and approved by a majority of the voters voting thereon at an election.

Section 3 Splitting Project Not Permitted.

It shall be unlawful to split or separate into smaller work orders or projects any project subject to this Ordinance for the purpose of evading the provisions of this Ordinance. This paragraph shall be construed in accordance with the law applicable to Government Code Section 37902.1 pertaining to splitting projects to avoid competitive bidding.

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Section 4 Determination of Costs.

In determining the cost of a proposed Capital Improvement Project, Real Property Acquisition or Improvement to Real Property, the following costs shall be included:

- A. The contract price of all improvements;
- B. The purchase price of the real estate, including improvements, or the present value of a lease, as appropriate;
- C. All preliminary studies and reports directly related to the capital improvement project, acquisition or improvement, including but not limited to Environmental Impact Reports, architectural rendering, soils analyses, engineering work, and the like;
- D. Finance costs.

Section 5 Guidelines.

The District may adopt by Resolution reasonable guidelines to implement this measure following notice and public hearings.

Section 6 Exemption of Certain Projects.

This measure shall not apply to:

- A. Any maintenance or replacement project for existing facilities, pipelines, water tanks, reservoirs, or other capital improvements existing as of the effective date of this Ordinance;
- B. The acquisition and installation of water tanks and reservoirs to be used solely for water storage purposes provided that the District does not expend in excess of \$1,500,000 per year for such acquisition and installation with such limit being adjusted on January 1 of 1989, and on January 1 of every year thereafter based on the percentage increase or decrease in the San Diego Area Consumer Price Index for All Urban Consumers as compiled by the United States Department of Labor, Bureau of Statistics. If such consumer price index is no longer published, then another similar, generally recognized index may be used subject to the approval of the District; and
- C. Any Capital Improvement Project, Real Property Acquisition or improvement to Real Property which has obtained a vested right as of the effective date of this measure. For purposes of this measure a "vested right" shall have been obtained if all of the following (if applicable) are met:
 - 1. The proposed project has received its final discretionary approval in the form of the final issuance of a permit or other necessary approval of the District.

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2. Substantial expenditures have been made, as of November 1, 1987, in good faith reliance on the final discretionary approval.
3. Substantial construction has been commenced in good faith reliance on the final discretionary approval, where construction is contemplated. For purposes of this section, substantial construction shall mean that no less than 25% of the final construction has been completed. Whether or not a vested right has been obtained in a particular case is a question of fact to be determined on a case by case basis by the District following notice and public hearing. In no event can the District make a finding of the existence of a vested right without a preponderance of the evidence showing compliance with each and every requirement contained herein.
4. Any emergency expenditure of District funds required by act of war, natural catastrophe, act of God, or other emergency provided that such expenditure is for the purpose of repairing or replacing damaged facilities or to provide temporary services within the District which are of the same or similar level of service existing before the emergency, natural catastrophe, act of war or act of God.

Section 7 Amendment or Repeal.

This measure may be amended or repealed only by a majority of the voters voting at an election thereon.

Section 8 Severability.

If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. It is hereby declared that this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

Section 9 That All Ordinances or Parts of Ordinances in Conflict Herewith are Hereby Repealed.

ADOPTED by the Voters as an initiative measure at an election held on the 8th day of November, 1988, and effective the 2nd of December, 1988 with the acceptance of the election vote by the Board of Directors on November 22, 1988 and in accordance with Election Code Section 4013.