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ARTICLE 9. RULES RELATING TO CUSTOMER ACCOUNTS

Sec. 9.1. revised via Ordinance No. 477/ October 14, 2020

Sec. 9.1. revised via Ordinance No. 458/ July 25, 2018

Sec. 9.1. Classifications of Water Service.

1. Domestic Water Service. Includes water used by single-family dwelling units; multi-family dwelling units (duplexes, condominiums, and apartments); trailer space, camper space, and mobile home park units; rooming houses; individual living units; and residential zoned properties in which the primary water use is intended for domestic purposes, including drinking, washing, and restroom use, including schools meeting the aforementioned criteria.

2. Commercial and Industrial Water Service. Includes water used by factories; service stations; garages; laundries; any business normally considered to be commercial or industrial; and commercially zoned properties in which the primary water use is intended for commercial and industrial purposes, including water used to serve areas in which a fee is charged to access the area, including homeowner association common use areas meeting the aforementioned criteria.

3. Irrigation Water Service. Includes water used for the irrigation of open-space.

4. Agricultural Water Service. Includes water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by its wholesaler San Diego County Water Authority’s (SDCWA) Permanent Special Agricultural Water Rate (PSAWR) program.

5. Construction Water Service. Includes water used for various purposes during construction of a project.

Sec. 9.2. revised via Ordinance No. 458 / July 25, 2018

Sec. 9.2. revised via Ordinance No. 442 / July 20, 2016

Sec. 9.2. revised via Ordinance No. 433 / November 4, 2015

Sec. 9.2. revised via Ordinance No. 376 / March 24, 2010

Sec. 9.2. Application for Water Meter and Water Service Account.

- A. Effective July 1, 2010, all new water service accounts shall be established and held in the legal (record) owner’s name as shown on the San Diego County Assessor’s Tax Roll.

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At the time application for water service is requested and submitted to the District, and at the District’s discretion, the applicant shall provide all of the following:

- (a) proof of ownership of the parcel to be served;
 - (b) assessor’s plat map of parcel to be served (including meter location if there is one), or a Plot Plan, or set a stake showing the desired location of the meter (if there is none, the final location of the meter will be determined by the General Manager or his/her representative);
 - (c) a completed and signed application for water service by the owner of the property;
 - (d) total payment of all costs for and related to meter service connection;
 - (e) if the applicant’s property does not adjoin the District’s right-of-way, proof of easement that may be utilized by the applicant to bring his/her water line to the District’s right-of-way;
 - (f) if a meter is being purchased on behalf of the legal owner by another individual, written authorization to do so shall be provided;
 - (g) two forms of personal identifying information, including, but not limited to, a social security number, date of birth, government issued driver license or identification number, and/or a government passport number.
- B. Application for service will be accepted only where adequate distribution systems have been installed. Cost of service assembly footage above 55 feet from center of public roadway must be paid for by the customer.
 - C. Each commercial, industrial and agricultural applicant shall sign a Cross-Connection Control Questionnaire before applications will be processed.
 - D. Each applicant for service will pay District Capacity Fees, any applicable fees imposed by the San Diego County Water Authority and Metropolitan Water District of Southern California, in addition to meter installation charges (See Section 13.11.).

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- E. Each applicant may be required to pay a separate Reimbursement Fee if service is to be connected to a line financed by a private proponent under the guidelines of Ordinance No. 6, as amended (See Section 14.1.).

Sec. 9.3. (A), (B), and (C) revised via Ordinance No. 442 / July 20, 2016

Sec. 9.3. revised via Ordinance No. 392 / December 14, 2011

Sec. 9.3.(C) revised via Ordinance No. 381 / August 11, 2010

Sec. 9.3.(C) revised via Ordinance No. 331 / June 9, 2006

Sec. 9.3. Construction Water Service. Construction water service shall be provided as follows:

- A. Temporary Construction Meter (TCM). Construction meters for the purposes of construction only for limited periods of up to one year per application, except for the purpose of establishing landscaping on a construction project (See Section 9.3.D), will be installed for contractors on existing service laterals, blow-off assemblies, manual air-releases or fire hydrants. Contractor may be required to connect the meter to a suitable water tank with a slow closing valve, and all water used will be taken directly from tank only. Contractor will be required to complete a Cross-Connection Control Questionnaire and may be required to provide a certified backflow prevention device.
- B. Temporary Irrigation Meter (TIM). Irrigation meters for limited periods of up to six months per application will be installed for contractors on existing laterals specifically designated for irrigation meters, or on existing blow-off assemblies, manual air releases, or fire hydrants. Such meters will be for the purpose of initiating landscape growth when required and will either be removed at project completion or replaced by District's permanent meter when the installation meets all requirements of the District's standard specifications for such installations. Contractor will be required to provide a certified backflow prevention device.
- C. A deposit in the amount shown below shall be placed with the District prior to installation of construction meter.

<u>Meter Size</u>	<u>Deposit</u>
Up to and including 1-inch	\$750
1 ½-inch to 2-inch	\$1,500
2 ½-inch to 3-inch	\$2,000

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4-inch to 6-inch \$3,500

All deposits for TCMs and TIMs are to be paid by applicant at the time application is made. Upon discontinuance of service, the District shall deduct from the deposit all District costs caused by damage, theft, or other loss to a temporary meter and any outstanding charges. Resulting overpayments, if more than \$10.00, will be refunded to customer/applicant. If the meter is to be in service for a period in excess of one month, monthly bills will be mailed to customer/applicant.

A non-refundable TCM set-up fee of \$300.00, which includes the installation and removal of the meter, shall be charged for all TCMs and TIMs. A relocation fee of \$150.00 shall be charged whenever a customer requests that a TCM or TIM be moved. A renewal fee of \$300.00 shall be charged for all TCM and TIM installations exceeding their application time limit.

All TCMs and TIMs shall remain in the location as installed by District staff. Unauthorized relocation of a TCM or TIM shall be cause for a \$300.00 penalty. Customers with traveling meters are required to bring the meter into the District during the last week of each month to be read by District staff. The District will estimate water use for those traveling meters, which are not brought in. Traveling meters must be returned to the District during the last week of the twelfth month of issue and at the end of each subsequent twelve-month period for inspection and, if deemed necessary by the District, replacement. Failure to present a traveling meter for reading and/or inspection on a timely basis is cause for immediate forfeiture of the meter. Any exceptions to this policy must be authorized by the General Manager or his/her designee.

- D. All TCMs shall be installed in above-grade locations. TCMs shall be clearly painted and labeled as temporary connections only. A TCM may only be used for construction purposes. No domestic or commercial use of water is allowed through a TCM. Water may be used through a TCM for the initial establishment of landscaping on a construction project for a limited duration of not more than 90 days. No unmetered connections (“jumpers”) are allowed.

- E. All applicants for temporary construction water service shall be required to sign an application acknowledging the terms and service and the applicant’s responsibilities while in possession of a temporary meter.

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Sec. 9.4 (I) revised via Ordinance No. 468 / October 16, 2019

Sec. 9.4. Meter Rules.

- A. When property upon which service is requested is located in an area where pipelines have not been installed, a meter shall be set at the nearest main. If the distance from the meter to the service area is in excess of 500 feet, owner/applicant may be required to extend pipeline or enter into a separate agreement for participation in pipeline extension at a later date, at the sole discretion of District (See Section 14.4.).
- B. Service to any property will be granted only when all capacity fees, meter charges, water bills and any other applicable charges due are paid by applicant.
- C. The District makes no guarantee as to the amount of time which will elapse between the customer's application of service and the actual installation of the service, except that installation will be fitted into the District's work schedule at the earliest practical time.
- D. The Board of Directors may regulate the time of use of water in such a manner as will ensure an equitable supply to all consumers concerned.
- E. The District reserves the right to regulate the size, character and location of each meter and service.
- F. The District retains the ownership of meters and connecting service pipe assemblies.
- G. The method used to read each meter shall be determined by the District in its sole discretion. The General Manager, in his/her sole discretion, may allow a customer to opt out of specific meter reading technology. To recover all costs to the District associated with accommodating the request, the requesting customer's account will be assessed on each monthly bill statement a return trip fee (See Section 13.11 B.).
- H. A customer may have service discontinued and meter locked by notifying the District. During the period of temporary discontinuance, customer will not be charged a monthly service charge. Fees will be charged for turning the service on or off. In the event that a customer should wish to have water service restored, customer shall pay the District's standard fee or cost of restoration, whichever is greater. (See Section 8.10. for amount of fees to terminate or re-establish service).

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(See Section 9.14.C. for water service discontinued due to non-payment of water bill).

- I. The decision of the District to require a new domestic water service applicant to deposit a sum of money with the District prior to establishing an account and furnishing service shall be based solely upon the credit worthiness of the applicant as determined by the District in accordance with Government Code Section 60375.5. All other service classifications, including agricultural, manufacturing, commercial, temporary service, and construction service, may be required to place a deposit with the District subject to the discretion of the General Manager. Deposits will be refunded upon termination of service, provided all outstanding bills have been paid and refunds due amount to two dollars (\$2.00) or more. (See Section 8.13)

- J. Meter service may be terminated when required backflow prevention assemblies have not been installed, removed, certified or are inoperative.

Sec. 9.5. Shut-Off Valves.

The District will provide a shut-off valve on the customer's side of the meter. The shut-off valve is the property of the District and shall not be moved by the customer, but may be operated by the customer.

Sec. 9.6 revised via Ordinance No. 468 / October 16, 2019
Sec. 9.6. revised via Ordinance No. 412 / December 11, 2013

Sec. 9.6. Change of Meter Size.

- A. Should conditions require a larger meter than that already installed, the customer shall pay for a new service assembly of the size required and a new meter assembly, less a credit for the value of materials in the assembly replaced, additional capacity fees, and any applicable charges based on current schedules (See Section 13.11.). If a new service connection is required to accommodate the change in meter size, the customer shall be responsible for all costs related to the abandonment of the old service connection at the main. These costs include the capping of the connection at the main and the removal of the service lateral.

- B. A customer may request that a larger meter be exchanged for a small meter. An analysis will be performed to determine if the dwelling and/or parcel water use requirements support such a downsizing. The final decision to approve or disapprove the request will be made by the

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General Manager or his/her representative. If the request to downsize is approved, the customer is responsible for any associated costs. No refund of capacity fees will be made as a result of the downsizing.

- C. Where backflow prevention devices are utilized, meter size change requires corresponding backflow assembly size change before meter installation.

- D. It is the sole responsibility of the customer to determine what modifications to the customer's private system may be required to accommodate a change in meter size. The customer is solely responsible for any private side modifications.

Sec. 9.7. revised via Ordinance No. 412 / December 11, 2013

Sec. 9.7. revised via Ordinance No. 352 / September 14, 2007

Sec. 9.7 . Change of Meter Location.

A meter may be moved at the request of a customer from one location to another, on the property served by it. The cost of reinstallation of the meter assembly in the new location will be on a time and material basis as set by the District to pay for all costs in providing such services. The customer shall also be responsible for all costs related to the abandonment of the old service connection at the main. These costs include the capping of the connection at the main and the removal of the service lateral. Upon application, a cost estimate will be provided by the District. Refunds without interest will be made if work is less than estimated. Requests for additional funds will be billed to the customer if actual cost to providing such services is greater than estimated.

Sec. 9.8 "Construction Jumpers (other than Construction Meters)" removed via Ordinance No. 392 / December 14, 2011

Sec. 9.9 . Fire Connections or Hydrants.

All fire hose connections on District lines are the property of the District. The expense of additional fire connections or hydrants is the responsibility of the fire department/district or property owners concerned, except by specific agreement and with approval of the Board of Directors. Fire hydrants must be of a type approved by the local fire department/district and must be installed in accordance with specifications of the District.

Unauthorized taking of water from District fire hydrants or other appurtenances is considered stealing and is expressly prohibited. Offenders may be subject to legal action by the District.

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Sec. 9.10. revised via Ordinance No. 442 / July 20, 2016

Sec. 9.10. revised via Ordinance No. 320 / July 27, 2005

Sec. 9.10, deleted by Ordinance No. 304 / June 25, 2003 (Renumbered accordingly)

Sec. 9.10. Fire Flow Testing

When fire flow residual pressure data is required or requested by a customer, the District shall conduct a fire flow test at a fire hydrant location determined to be representative of the area in which the pressure data is required. (Refer to Section 8.6 for fees and charges)

Sec. 9.11. revised via Ordinance No. 400 / August 22, 2012

Sec. 9.11. Rules and Regulations Governing Cross Connections.

The rules and regulations governing cross connections are set forth in District Ordinance No. 429, and in the Manual of Cross Connection Control, published by the Foundation for Cross Connection Control & Hydraulic Research, University of Southern California.

Sec. 9.12. Pressure and Pressure Reducers.

- A. In most areas, water pressure in District water lines will normally be greater than required by the customer thus requiring the installation of a pressure regulator on customer's side of meter.

- B. Pressure reducers may be installed at the main with the meter installation at the time the meter is installed by and at the expense of the District. The pressure reducer will be installed at the discretion of the District and only when there is the possibility that the District's meter installation may be damaged. The meter applicant must be aware that the District may have excess pressure in some areas of the District and that the applicant must take precautions to protect his/her own water system.

Sec. 9.13 revised by Ordinance No. 442 / July 20, 2016

Sec. 9.13. revised by Ordinance No. 433 / November 4, 2015

Sec.9.13.(E) revised by Ordinance No. 362 / June 25, 2008

Sec. 9.10, deleted by Ordinance No. 304 / June 25, 2003 (Renumbered accordingly 9.14. became 9.13.)

Sec. 9.13. Terms of Water Service.

- A. By entering into water service with the District, the property owner and, if applicable, tenant/lessee establishing service to a property served by a District meter acknowledge that they agree to all terms

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and conditions for customer accounts established in the Administrative and Ethics Code and to be bound by the terms and conditions thereof, including those specified herein. All customers shall be furnished at the time that service is started with notice of where the terms of service are located.

1. All Customers. Pressure in the District’s system, measured in pounds per square inch, may vary widely as a result of peak and seasonal demands and changes in elevation. Water service will not be less than 25 pounds per square inch and not more than 200 pounds per square inch. Some properties in the District have a pressure regulator after the meter; the condition or performance of the regulator is the responsibility of the property owner.

2. Property Owner. Customer is responsible for the payment of water service and other services provided to customer’s property by the District in accordance with District rules, rates, and regulations. The District has the authority to change its water rates and service fees and charges at any time without customer consent. It is the customer’s responsibility to notify the District of any changes in the customer’s mailing address, telephone number(s), or other contact information provided to the District. Customer must contact the District at least three days prior to moving out of the property served by the District to close the account. It is the customer’s responsibility to notify the District if choosing to lease the property but retain water service in his/her name. Customer accepts financial responsibility and liability for water service fees and charges for the property served by the District, and any unpaid or delinquent water fees or charges, penalties and interest, insufficient fund charges, and fees for termination or reestablishment of service related thereto that are due and owing on the customer account. Customer is responsible for costs and expenses incurred by the District to collect the total amount due. In the event that the District is forced to retain an attorney to collect the amount due, customer must pay any attorney’s fees, court costs, and litigation expenses.

3. Property Owner of Leased Property. Property owner is responsible for the payment of water service and other services provided to customer’s property by the District in accordance with District rules, rates, and regulations. The District has the authority to change its water rates and service fees and charges at any time without property owner consent. As a courtesy to the property owner, the District may agree to send all bills for water service to the property served by the District to the property

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owner's tenant/lessee, and the tenant/lessee is the party responsible for making monthly payments to the District for water services to the property served by the District. The District will extend this courtesy to future tenants/lessees unless otherwise notified by the property owner. It is the property owner's responsibility to notify the District of any changes in the mailing address, telephone number(s), or other contact information provided to the District. The property owner must contact the District at least three days prior to the tenant/lessee moving out of the property served by the District; in such event, property owner may become the customer of record to continue water service to the property served by the District. Property owner accepts financial responsibility and liability for water service fees and charges for the property served by the District, and any unpaid or delinquent water fees or charges, penalties and interest, insufficient fund charges, and fees for termination or reestablishment of service related thereto that are due and owing on the customer account that are not paid by the tenant/lessee. The District will apply any tenant deposit to any amount owing before seeking collection from the owner. Property owner is responsible for costs and expenses incurred by the District to collect the total amount due. In the event that the District is forced to retain an attorney to collect the amount due, property owner must pay any attorney's fees, court costs, and litigation expenses.

4. Tenant/Lessee of Leased Property. At the District's discretion, a tenant or lessee may request water service for a property. Tenant/lessee is responsible for the payment of water service and other services provided to the leased property in accordance with District rules, rates, and regulations. Tenant/lessee will pay a deposit to establish service at the leased property (Section 8.13.) and will be the party responsible for making payments to the District for water services. The initial bill will include a charge for this deposit, and when the account closes, the deposit will be applied to the closing bill. The District has the authority to change its water rates and service fees and charges at any time without tenant/lessee consent. Tenant/lessee agrees to pay all fees/charges imposed by the District for services provided to the tenant/lessee. As the property owner may be subject to a lien for unpaid balances, property owner will be notified when tenant/lessee's account becomes past due; notification will include amounts owed and due dates.

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- Sec. 9.14 (C) revised by Ordinance No. 449 / May 17, 2017*
- Sec. 9.14 (L) revised by Ordinance No. 449 / May 17, 2017*
- Sec. 9.14 (C) revised by Ordinance No. 444 / October 19, 2016*
- Sec. 9.14. (J) revised by Ordinance No. 442 / July 20, 2016*
- Sec. 9.14. revised by Ordinance No. 433 / November 4, 2015*
- Sec.9.14.(A) revised by Ordinance No. 296 / July 24, 2002*

Sec. 9.14. Payment of Water Bills.

- A. Water bills are due and payable upon presentation. Bills may be paid at the office of the District; by mailing to the District's lock box, the address for which is printed on the billing statement; via the toll-free number printed on the billing statement; or electronically via the District's website.
- B. All meters shall be read and billed monthly.
- C. Payments are due on the 25th calendar day following the bill date each month. A delinquency penalty will be charged if payments are not received before the tenth business day following the payment due date in accordance with Section 8.9.

At least 15 days prior to discontinuance of service due to non-payment of water bills, the District will mail delinquent notices to customers with past due water bills.

The District will mail delinquent notices to customers making payments under an amortization agreement but will not assess a delinquency penalty on any balance for which the amortization agreement was established.

Service will not be discontinued for non-payment until any portion of a bill has been delinquent for at least 60 days and the customer has been contacted by telephone or written notice at least seven business days before discontinuation. At least forty-eight (48) hours prior to discontinuance of service due to non-payment or as otherwise provided for by this Administrative and Ethics Code, the District will deliver to the property a shut-off notice. A final attempt to contact the customer by telephone will be made at least twenty-four (24) hours prior to discontinuance of service.

Customers will incur a Shut-Off Notice Fee whenever the District is required to deliver a shut-off notice to terminate water service due to non-payment of a water bill (See Section 8.10.).

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D. Service will not be discontinued if all of the following conditions are met prior to disconnection:

1. Customer provides the certification of a licensed physician, including the physician's license number, that discontinuation of water service will be life-threatening to, or pose a serious threat to the health and safety of, a resident of the premises.

2. Customer demonstrates a financial inability to pay for service within the normal billing cycle. The customer shall be deemed financially unable to pay for service if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

3. Customer is willing to enter into an amortization agreement as specified in the preceding paragraph if the customer is financially unable to pay for service within the normal payment period. If these requirements are met, water service shall not be discontinued so long as the customer remains current with the terms of the amortization agreement. In the event that the customer fails to comply with the terms of the amortization agreement or fails to keep the water service account current as charges accrue in each subsequent billing period, water service may be discontinued.

If these conditions are met, the District will offer either, in its discretion, amortization of the unpaid balance or temporary deferral of payment. Should the District establish an amortization agreement with a customer, the District will not discontinue service to the customer making payments under an amortization agreement (not to exceed 12 months), if payments under the agreement and subsequent charges for water use are both kept current as charges accrue in each subsequent billing period. If a customer fails to comply with an amortization agreement or deferral for 60 days or more, or if a customer undertaking an amortization agreement or deferral does not pay current service charges for 60 days or more, the District will deliver to the property at least five business days prior to discontinuance of service a shut-off notice.

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If eligibility for exemption is determined subsequent to disconnection of water service, the portion of the customer's balance that is past due must be received in order to restore water service.

- E. Payment for the final water bill for a closed account is due 25 days following issuance.

- F. The District may, at its discretion, and for the convenience of the customer, accept an advance payment for a period of time.

- G. The District shall make a charge to customers' accounts for any rejected payment not caused by the District (See Section 8.12.). Customers who have had returned payments by the bank may be required to pay future bills by cash, money order, or cashier's check. The District may allow such customers to continue to pay by check if checks are submitted by the 18th day following the bill date each month.

- H. Any customer desiring water service from the District who has had service discontinued for non-payment of a bill at any time or whose check has been returned by the customer's bank shall be required to post a security deposit equal to three times the estimated average monthly bill in addition to any other applicable deposits required. Additionally, customers may be required to provide two forms of personally identifying information in accordance with Section 9.2.A.g. if not already furnished.
 - (a) This deposit is in addition to the payment of all charges due and any applicable re-establishment of service charges (See Section 9.14.C., Section 8.4, Section 8.9, and Section 8.12).

 - (b) The General Manager may waive or adjust the security deposit requirement with sufficient written justification.

 - (c) The security deposit will be applied to account holder's final bill.

 - (d) The security deposit can be cash, a certificate of deposit, letter of credit or bond, or any other comparable guarantees approved by the District's General Manager. No interest shall be paid on any deposit.

- I. Water service will be re-established only after outstanding water charges and penalties, and any and all applicable re-establishment of service charges and deposits are paid in full pursuant to this

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Administrative and Ethics Code (See Section 8.9, Section 8.10, Section 8.11, Section 8.12, Section 8.13, and Section 9.14.C).

- J. An unpaid or delinquent bill is the responsibility of the person in whose name the water service is held. In the event the service is in the name of a renter or lessee, water service will not be re-established in the name of such renter or lessee or any other current or subsequent renter or lessee, but shall be established and held in the legal (record) owner's name as shown on the San Diego County Assessor's Tax Roll in accordance with Section 9.2.A.1.

- K. In case any charges for water or other services, or either, remain unpaid the amount of the unpaid charges may in the discretion of the District be secured at any time by filing for record in the office of the county recorder a certificate specifying the amount of such charges and the name and address of the person liable therefor.

- .L. To make collection of any bill which remains delinquent for 60 days, the District may establish a lien or liens against the property served or any other San Diego County property owned by the water account holder as provided for below.
 1. After providing written notice to the legal owner of the land or property, as shown on the San Diego County Assessor's tax roll, accruing unpaid water and other service charges, that such charges are delinquent and unpaid, the District may secure payment of unpaid water bills and other service charges by filing for record in the office of the San Diego County Recorder a certificate specifying the amount of such charges and the name and address of the person liable therefor.

 2. From the time of recordation of the certificate, the amount required to be paid, together with interest, penalties, and a pass-through of any fee imposed upon the District to file the lien, constitutes a lien upon all real property in the county owned by the person or afterwards and, before the lien expires, acquired by him or her.

 3. The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged, and may be extended by filing for record a new certificate.

 4. The District may place additional lien(s) on the property by adhering to the measures above.

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5. To make collection on charges that are delinquent and unpaid and have been outstanding for sixty (60) days or more on July 1 of each year, the District may establish a tax lien against the property served as provided for below.
 - (a) After providing written notice to the legal owner of the land or property, as shown on the San Diego County Assessor's tax roll, accruing unpaid water and other service charges that such charges are delinquent and unpaid and have been outstanding for 60 days or more on July 1, the District may, on or before August 10 of each year, certify to the Board of Supervisors and San Diego County Auditor and Controller that such delinquent and unpaid charges have been requested in writing from the legal owner holding title to the land or property.
 - (b) The amount of such charges for water or other services will be added to and become a part of the annual taxes next levied upon all real property in the county owned by the delinquent owner and shall constitute a lien on all such property in the same manner as a tax lien securing such annual taxes.

6. The District will discharge the lien(s) placed upon the property upon receipt by the District of any and all fees owed on the account, including but not limited to those fees included in the lien(s).
 - (a) Liens being paid through escrow would be paid in full providing escrow to close and the District to place the water service in the new owner's name.
 - (b) Liens being paid by the homeowner to have the lien removed would warrant that a deposit be placed as protection for the District; however, a deposit would not prevent a new lien from being recorded should conditions lead to the filing of a new lien in accordance with Section 9.14.J.

- M. In the event that normal collection procedures do not receive payment for accounts that remain unpaid more than 45 days after the final bill has been issued, the District may turn over uncollected amounts in excess of \$25 to a private collection agency.

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- N. In accordance with Title 11 U.S.C. 366 of the Bankruptcy Code (“Bankruptcy Code”), the District will not alter, refuse, or discontinue service to a customer or trustee in bankruptcy as long as the appropriate security deposit is paid. The District will not discriminate against such customer or the trustee in bankruptcy of said customer, based on the filing of a petition under Title 11 U.S.C. (“Petition Date”) or on the basis of a debt owed for service rendered prior to the Petition Date which was not paid when due. Within 20 days of the Petition Date, the customer or the trustee in bankruptcy of the customer shall furnish the District with a cash deposit to assure payment of future billings for services provided by the District after the Petition Date. The cash deposit shall be equal to two times the normal deposit (see Section 9.14.F). The deposit shall be refunded seven years after completion of all bankruptcy proceedings or termination of the service, whichever is sooner, provided that all amounts owed the District for service provided after the Petition Date have been paid. The deposit shall also be refunded if the customer voluntarily pays the District the debt originally discharged in bankruptcy. The District will discontinue service, unless such security deposit is received within 20 days of the Petition Date. Service may be discontinued for nonpayment for services rendered after the Petition Date. As used herein, Petition Date has the same meaning as given in the Bankruptcy Code. The Petition Date shall, in a voluntary case, constitute the commencement of the case and/or an Order for Relief.
- O. In the event of overcharges or erroneous charges, a refund may be due to the customer. The District shall refund to customers overpayments made up to 12 months prior to the date of discovery. The General Manager, or his/her designee, shall have the authority to approve refunds for a longer period at his/her sole discretion.

Sec. 9.15. Adjustment for Meter Error. Should any meter in service fail to register during the month, the customer will be billed for the estimated use of water as determined by the District from water usage information available or from prior water usage records.

Sec.9.16. revised by Ordinance No. 433 / November 4, 2015

Sec. 9.16. Water Leak Adjustments. The General Manager and/or his/her designee is authorized in their discretion to make adjustments to variable water charges

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for a billing period in which an apparent water loss occurred due to a broken pipe and/or plumbing fixture that caused exceptionally high water consumption compared to consumption history for the property during the same billing period. Adjustments will be determined using the following criteria:

- a) The customer must not have received an adjustment at the same property under this policy in the past 60 months.
- b) A District leak appeal form must be properly completed by the customer and submitted to the District with required documentation within 25 days of the statement date of the bill in question.
- c) A maximum of two billing periods will be considered for an adjustment.
- d) The value of the adjustment for Domestic customers will be determined by applying the Tier 2 water rate to all usage during the affected billing period(s) that was charged at Tier 3 and Tier 4 rates. The value of the adjustment for all other customers will determined by applying the Domestic Tier 2 water rate to all usage above 25 units during the affected billing period(s). No adjustment shall exceed \$750.
- e) No adjustments will be given if the District determines excessive water flow was caused by the customer's negligence or non-responsiveness to warning signals such as higher water and/or sewer bills, leak notifications, visible water, or other factors that should have made the customer reasonably aware of the existence of a broken pipe and/or plumbing fixture.
- f) No adjustments will be given if a third party is responsible for water loss at the customer's property and can be pursued for reimbursement by the customer.
- g) No adjustments will be given due to the resetting of irrigation timers at the customer's property, whether intentional or not.
- h) The District is not responsible for any leak due to lack of notification and no adjustment will be given for this reason. It is the customer's responsibility to determine leaks and/or excessive water use.
- i) The General Manager is not obligated in his/her sole discretion to grant any adjustment.

Sec. 9.17. Resale of Water. No customer within the boundaries of the District may enter into any contract or agreement to resell any portion of the water to which he is

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entitled without the special permission of the Board of Directors of the District. The price of any water so sold is to be fixed by said Board of Directors. No customer outside of the District will be permitted to resell any water purchased from the District under any condition whatsoever.

Sec. 9.18. Unauthorized Use or Waste of Water. No customer may use water upon any tract of land other than that covered by his application for service. No customer shall knowingly permit leaks or waste of water.

Sec. 9.19. District's Right of Inspection. The officers and agents of the District shall have unrestricted access at reasonable hours to all premises supplied by the District to inspect the supply system, meter or other measuring apparatus, and to see that the rules and regulations of the District regarding the taking, use, or waste of water are being observed.

Sec. 9.20. Connecting of Services. Only duly authorized employees of the District are allowed to connect or disconnect the customer's service.

Sec. 9.21. revised by Ordinance No. 458 / July 25, 2018

Sec. 9.21. Damage to District's Property.

- A. Any damage occurring to a meter or other appliances, pipes, or any property of the District, caused by negligence, neglect, or knowing and willful action of the customer or non-customer, must be paid for by the customer on presentation of a bill thereof, and within 60 days of notice of claim for non-customers.
- B. District inspection and line location staff are available to mark the location of underground District facilities. Customers are advised to consult with District staff before commencing construction or landscape work.

Sec. 9.22. revised by Ordinance No. 433 / November 4, 2015

Sec. 9.22. Discontinuation of Service. Water service may be discontinued at the District's discretion for violation of or failure to adhere to any section(s) of this Administrative and Ethics Code or ordinance(s) passed by the Board of Directors. In order to reinstate service to the property, the violation(s) must be remedied to the satisfaction of the District.

Sec. 9.23. Interruption of Delivery. In case of necessity, water may be turned off from the District's mains and conduits.

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Sec. 9.24. Service Outside District Boundaries. Special rates for the above classes of service may be determined and charged by the Board of Directors for water served outside the District's boundaries in accordance with Section 71612 of California Water Code.

Sec. 9.25. Delinquent Charge on Invoicing (Other than Water Sales). All invoicing on accounts other than water sales which remain unpaid thirty (30) days or longer shall be assessed 1½% per month for each month until all charges are paid in full.

Sec. 9.26. Temporary Meter Installations. A temporary meter installation is a meter installed to provide residential, commercial, industrial or agricultural water service for a period of one year or less, and is not to be confused with meters installed to provide construction or irrigation water service.

Installation charges and capacity fees for temporary meter installations shall be in accordance with Section 13.11.

Sec. 9.27. Enforcement of Water Conservation Ordinance. California Water Code sections 375 et seq. authorize the District to adopt and enforce a comprehensive water conservation program. Additionally, California Water Code sections 350 et seq. authorize the District to declare an emergency condition and implement water rationing and restrictive water use regulations in a water shortage emergency. Upon adoption of either such ordinances under California Water Code, the General Manager or his/her designee is authorized to implement the provisions of these ordinances.

Sec.9.28. revised by Ordinance No. 433 / November 4, 2015

Sec. 9.28. Communication Regarding Customer Accounts. As a convenience to consumers, the District may use SMS/text messaging to communicate certain account related information including, but not limited to, account balance notifications, payment receipt acknowledgement, payment reminders, service outages, planned maintenance, and other relevant account related notifications. The District uses standard text messaging to perform these communications and does not charge customers for receiving such communications. However, standard text message charges may apply from customer wireless providers, depending on the customer's text message plan. Participation in this communication program is optional. Customers enrolled in the program wishing to discontinue receipt of SMS/text messages from the District are advised to respond with "STOP" to a District SMS/text message.

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Sec.9.29. revised by Ordinance No. 458 / July 25, 2018

Sec. 9.29. Critical Customers. It is the customer’s responsibility to notify the District of any extraordinary conditions that may exist in which a disruption in service or a change in water chemistry could result in harm, damage, or a life-threatening condition.

Sec.9.30. revised by Ordinance No. 468 / October 16, 2019

Sec. 9.30. Customer Access to Water Usage Data. Data collected from customer meters may be used by the District in any lawful manner and is intended for the sole benefit of the District. Nonetheless, the use of advanced metering infrastructure at customers’ properties may allow the District to offer incidental tools to help customers monitor water use and detect potential leaks. The District may offer an online water use portal or similar tools (“portal”) to its customers. The portal is intended to allow customers to monitor their water use online. Subject to availability, customers are encouraged to regularly review water use using the portal. Using the portal, customers may also be able to register for notifications when continuous water use exceeds a specified threshold or period of time. Participation in the use of the portal is voluntary, and subject to the terms and conditions described below, in addition to any terms and conditions on the District’s website or related to a particular portal. As a condition of using the portal, customers understand and agree to the following:

1. The District makes no representations or warranties, express or implied, as to the accuracy, operation, or availability of the portal. The portal may be unavailable or inaccurate due to technical issues, including, but not limited to, internet connectivity outages, phone/SMS/email delivery issues, system reporting errors, and system signal interruptions.

2. The portal is intended to provide helpful monitoring and notification tools. The customer shall remain responsible for monitoring water use, maintaining water lines beyond the meter, determining the cause of any continuous flow, and repairing any leak. The District assumes no responsibility or liability for contacting or notifying customers or any third party of any abnormalities or variations in a customer’s water usage which may indicate a water leak at his or her property. Customers remain responsible for all water use at their property and for the payment of fees for all water used, including water used before and after receiving any notification of continuous

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flow. The customer shall rely solely upon his or her own judgment with regard to any information supplied by the District in connection with the portal.

3. The District neither undertakes nor assumes any responsibility for or duty to the customer or any third party for the operation, maintenance, review, or inspection of water lines or facilities beyond the District's meter, or to inform the customer or any third party of any leaks or damage resulting from the operation and maintenance of such lines or facilities, or for any service, equipment or material furnished for such lines or facilities. Customers and all third parties shall rely upon their own judgment regarding such matters, and any review, inspection, supervision, exercise of judgment or information supplied to customers or to any third party by the District in connection with the data collected from the District's meter reading system is for the benefit of the District.