

**BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA**

ORDINANCE NO. 925

**ORDINANCE ESTABLISHING A SCHEDULE OF FEES
AND WATER CONSERVATION REGULATIONS FOR
THE SIERRA BROOKS WATER SYSTEM**

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

Ordinance Section One:

Chapter 8.50 entitled Sierra Brooks Water System Fees is hereby added to Part 8 of the Sierra County Code, as follows:

CHAPTER 8.50 – SIERRA BROOKS WATER SYSTEM FEES

8.50.010 Water System Fees

- (a) Pursuant to the provisions of California Government Code Section 25210.77a, the Board is authorized to and may annually establish a schedule of fees for the delivery/use of water by the real property within the boundaries of County Service Area 5, Zone 5a, which property is commonly referred to as the Sierra Brooks Subdivision and is sometimes referred to as CSA 4a5a (as formed by County Resolution 71-21). The initial schedule of fees may be adopted by separate action (by resolution) of the Board and Supervisors and upon adoption, shall remain in effect unless otherwise amended or repealed, which action may occur by the adoption of a subsequent resolution of the Sierra County Board of Supervisors.
- (b) In addition to the fees for the delivery/use of water to the real property within CSA 5, Zone 5a, fees are hereby established and shall be imposed for the following activities and/or service provided by the CSA to real property or the owners of real property, as follows:

New Water Service

Will Serve Letter	\$50
Capacity-Connection Fee	\$1,500
Double Valve Box (Includes Valve)	\$350
Service Call (2 Hours)	\$100

Miscellaneous Services

Service Call (During Office Hours)	\$50/Hour
Service Call (After Hours)	\$75/Hour
Disconnect Fee	\$100
Reconnect Fee (1 Hour)	\$50
Offsite Water Use (Water Trucks or Trailers)*	\$5.00/1,000 gallons
Water Restrictor Installation	\$200
Water Use (If metered)	\$2.50/1000 gallons**

- * Offsite water use is prohibited unless pre-approved in writing by the General Manager. Any such use shall require a deposit in an amount of not less than \$500.
- ** Calculated at the end of seven days, water in excess of 2,500 gallons per day shall be billed at the specified rate and only during imposition of phase II or phase III water conservation. This fee includes meter reading fee and all fees are collectible by the County as authorized by law.

Temporary Water Service

This is a schedule of fees and charges for allowing parcels not currently connected or authorized to be connected to the County water system, to connect for an interim period, while either a well is being drilled on the property or while the process of approval and the process of construction is taking place to allow a non-served parcel to be annexed into the water system. Water use shall be restricted to 1,000 gallons a day. Use of water in excess of this amount shall result in the immediate termination of the temporary water service.

Monthly Service Fee (120 Days Maximum)***	\$30
Deposit-Legal and Administrative Costs****	\$500
Design of System Improvements Required	
Construction Cost of System Improvements	by others
Acquisition of Easements	

- *** This is paid in advance for a period not to exceed 120 days.
- **** This is refundable if funds are not required to pay for internal administrative and legal costs of the County serving this request for service.

- (c) A connection fee will be paid at the time that the service connection is made to the real property. No connection will be made and no building permit shall be issued until this connection fee is paid in full.
- (e) Unless otherwise expressly provided fees shall be paid in advance of service. Where fees are not paid in advance of service they shall be promptly billed by the Department of Transportation and shall be due and payable within thirty (30) days of the date of the bill to

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

Section 8.50.020 Collection of Annual Water System Fees by Tax Roll

- (a) The fees which are established and annually imposed against real property for the use of water in accordance with Section 8.5.10 (a) shall be collected on the County tax roll in the same manner and at the same time as the general ad valorem property taxes are collected.
- (b) Once a year the Board of Supervisors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with the procedure set forth in the ordinance authorizing collection of such charges on the tax roll. Such report shall be filed with the Clerk of the Board of Supervisors.
- (c) Upon the filing of such report, the Clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The Clerk shall publish notice of such hearing as provided in Government Code Section 6066, prior to the date set for hearing, in a newspaper of general circulation printed and published in the county.
- (d) At the time, date, and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may adopt, revise, change, reduce, or modify any charge and shall make its determination upon each charge as described in the report and thereafter, by resolution, shall confirm the report.
- (e) The charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such charge; except that, if for the first year such charge is levied the real property to which such charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, the charge confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.
- (f) Whenever a railroad, gas, water, or electric utility right-of-way or electric line right-of-way is included within such service area, or zone thereof, the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the charges authorized only if, and to the extent that, it is found that it will benefit from the particular extended service, and

the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the same penalties, and the same procedure and sale, in case of delinquency as other properties in such service area or zone. In determining whether or not the railroad, gas, water, or electric utility right-of-way or electric line right-of-way benefits from the extended service, its use as a right-of-way for a railroad, gas, water, or electric utility shall be presumed to be permanent.

Ordinance Section Two:

Chapter 8.60 entitled Sierra Brooks Water System Regulation is hereby added to Part 8 of the Sierra County Code, as follows:

CHAPTER 8.60 – SIERRA BROOKS WATER SYSTEM CONSERVATION REGULATIONS

Section 8.60.010 Water Conservation Policy for the County Service Area 5, Zone 4A Public Water System Established

A water conservation policy and regulations is hereby established and shall apply to all real property and/or people receiving and/or using water from the County Service Area (CSA) 5 Zone 5a water system. The water conservation policy established by this Chapter shall be administered and enforced by the County Director of Transportation, or any designee so designated by the County Director of Transportation, who shall serve in the capacity of general manager of the water system.

Section 8.60.020 Water Conservation Phases

The water conservation policy shall consist of three (3) phases regulating the outside use of water which is defined as any use other than the use of water inside of a residence, including but not limited to irrigation of lawns, sports fields, gardens, washing vehicles, washing driveways or sidewalks, and similar activities. The three (3) phases are defined as follows:

1. Phase I-Voluntary: This is a voluntary water conservation program where property owners, during the months of May through September of each year, are requested to conduct outside irrigation/watering on Tuesdays, Thursdays, and Saturdays of each week for odd numbered addresses and on Wednesdays, Fridays, and Sundays of each week for even numbered addresses. No outside watering should occur at any time on Mondays of any week during these summer months. There should be no watering for dust control purposes and no irrigation of native landscaping. Outside irrigation during the stated days of each week should be limited to the time periods between 5:00 am through 10:00 am and 5:00 pm through 10:00 pm. No outside irrigation should be allowed during remaining hours of any day.
2. Phase II-Mandatory: This is a phase, which is mandatory when the General Manager

of the water system determines that the water system is in immediate danger of having insufficient supply to meet demands. During this phase, all requirements of the Phase I or voluntary conservation measures shall be mandatory. In addition, there shall be no washing of driveways, decks, or other impervious surfaces. There shall be no washing of vehicles or other equipment or improvements unless by the use of hoses with automatic or manual turn-off nozzles. No ponds or swimming pools may be filled.

3. Phase III-Emergency: This is a phase where it is determined by the General Manager that a critical water shortage exists or some other bona fide emergency condition exists that requires immediate and effective water conservation to maintain the minimal water levels necessary for public health and safety. During this phase, all Phase I and Phase II conditions shall be mandatory. Additionally, upon posting of notices or other appropriate notification procedure, no outside irrigation or water use of any kind, including sprinklers on timers, shall be allowed.

Section 8.60.030 Manager's Authority to Implement Phases

The General Manager may impose Phase II restrictions for a period not exceeding thirty (30) days and Phase III restrictions for a period not exceeding fourteen (14) days. If the General Manager determines that a period in excess of the time frames specified may be required, a special meeting of the Board of Directors of the County Service Area shall be conducted to determine the need for additional restricted periods. This does not have any effect upon a compliance order or emergency order issued by the State of California.

The General Manager shall have the Authority to impose Phase III restrictions for a period not exceed 14 days, during which time a special or regular meeting of the Board of Supervisors shall be convened, at which time the Board may determine that it is necessary to continue the Phase III restrictions

Section 8.60.040 Notification

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

Section 8.60.050 Violations and Remedy

- (a) Phase I restrictions are voluntary and there shall be no action taken for violation of its provisions.
- (b) Violation of any Phase II restrictions shall result in the issuance by the General Manager of a

notice of violation, served in writing to the owner of property causing the violation. If any violation continues after the issuance of a notice of violation, or if any property owner receives three (3) notices of violation in any sixty (60) day period, the General Manager may impose any or all of the following:

1. An administrative penalty shall be assessed in the amount of \$100 for each violation.
2. Installation of a flow restriction device within the valve box maintained by the County Service Area.

Violation of any Phase III restrictions are hereby declared to be a hazard to public health and safety and shall result in the General Manager issuing a written notice of violation to the property owner causing the violation. In the event that a property owner fails to immediately correct the violation as directed in the notice of violation, the general manager may impose the remedies and/or administrative penalties for Phase II violations. In addition the General Manager shall have the authority to order the disconnect of the water service which shall be preceded by a written notice of intent to disconnect issued 48 hours prior to the actual disconnection of the service; provided however, in the case of the imminent failure of the water system due to lack of water, which is contributed to by the violation of these restricts, the General Manager shall have authority to immediately disconnect service for a property in violation of the Phase III restrictions. If the water service is disconnected, a notice of disconnection shall be posted on the property and no re-connection shall occur until the fees as required by resolution of the Board of Directors of the County Service Area have been fully paid.

Section 8.60.060 Appeals

Any property owner who is subject to a notice of violation may appeal the determination of the General Manager to the Board of Supervisors as the governing body of the County Service Area. The appeal shall be in writing and shall be filed with the Sierra County Clerk-Recorder, with a copy to the County Director of Transportation, no later than twenty (20) days after the date of the notice of violation has been served (by personal service or by mail) on a property owner. During the processing on any appeal, the decision of the General Manager shall remain in full force and effect.

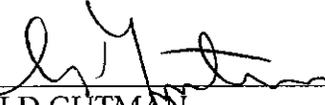
Any appeal filed pursuant to the provisions of this Chapter shall be processed and heard in accordance with the County's Uniform Appeal Procedures.

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

Introduced at a regular meeting of the Board of Supervisors held on the 4th day of September, 2001 and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 16 day of October, 2001, by the following roll call vote, to-wit:

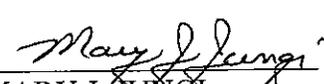
AYES: Supervisors Gutman, Huebner, Nunes, Mitchell and Whitley
ABSTAIN: None
ABSENT: None

COUNTY OF SIERRA



ARNOLD GUTMAN
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:



MARY J. JUNGI
CLERK OF THE BOARD

APPROVED AS TO FORM:



JAMES A. CURTIS
COUNTY COUNSEL