

**BOARD OF SUPERVISORS
BOARD OF DIRECTORS-COUNTY SERVICE AREA 5A
COUNTY OF SIERRA
STATE OF CALIFORNIA**

ORDINANCE NO. 969

**ORDINANCE AMENDING THE SCHEDULE OF FEES
AND WATER CONSERVATION REGULATIONS FOR
THE SIERRA BROOKS WATER SYSTEM-COUNTY SERVICE AREA 5, ZONE 5A**

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 amended to read as follows:

**CHAPTER 8.50 – SIERRA BROOKS-COUNTY SERVICE AREA 5A WATER SYSTEM
FEES AND WATER SERVICE POLICY**

8.50.010 Water System Service Application and Fees

- (a) Application for water service shall be made in writing and shall include a completed application form as provided by the General Manager of the County Service Area 5A (hereinafter “CSA 5A”) water system. Upon payment of any required fees, the water service connection shall be installed by CSA 5A employees. Pursuant to the provisions of California Government Code, Section 25210.77a, the Board is authorized to and shall 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-Unit 1 and 2A and is also referred to as County Service Area 5A (as formed by County Resolution 71-21). The initial schedule of fees, which shall be instituted as of the effective date of this ordinance, shall be as shown on Exhibit “A” as attached hereto and incorporated herein, provided however, that the fees shall remain in effect unless otherwise amended or repealed, which action may occur by the adoption of a resolution of the Sierra County Board of Supervisors.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 5A, fees are hereby established and shall be imposed for the following activities and/or service provided by CSA 5A to real property or the owners of real property, as follows:

New Water Service

Will Serve Letter	\$50
Capacity-Connection Fee	\$1,500
Water Meter (3/4 inch)	\$200
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 Meter Installation (includes cost of meter)	\$650
Water Restrictor Installation	\$200

* 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.

Temporary Water Service

The following is a schedule of fees and charges for allowing parcels not currently connected or authorized to be connected to the CSA 5A 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, Possible Acquisition of Easements or Right of Way and Construction Cost of System Improvements Shall be a Responsibility of the Owner or Others as May Be Designated	

** 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) Water meters shall be required to be installed on all new service connections which includes those currently vacant parcels that may have in existence, a water service connection that was installed in prior years but the parcel being connected has not yet been developed. The cost for water meter installation shall be charged at the time of building permit application for the primary residence on the property. Water meters shall be installed on all existing connections according to an implementation schedule for all services shall be metered by the year 2015. It is the intent of this provision that water use will be monitored by reading meters installed until 2015 and on January 1, 2015, water service may be charged and paid for based on actual usage on all property within the CSA 5A service area.
- (d) 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) A water shut-off valve shall be installed outside of CSA 5A valve and/or meter boxes for any new water service and the cost and installation shall be a responsibility of the property owner. The water shut off shall be located at the residence for easy access by the owner and the installation and proper operation of the water valve shall be inspected by the County. A properly installed and functioning shut off valve shall be a condition of continued water service and failure to install such an improvement may be a basis for terminating water service to the property until such time as the water shut off valve has been installed.
- (f) All water service connections shall be required to accept conditions of pressure and service as is provided by the CSA 5A water system at the point of connection. The CSA shall not be liable for any damages arising from high or low pressures and the property owner may install pressure increaser or pressure reducer improvements at the residence.
- (g) 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 Water Service Connections and Improvements

Only duly authorized employees or agents of CSA 5A are permitted to install service pipes from system mains, valves, meters, or install meter/valve boxes from the system mains to the designated valve box/meter box. The water service shall be located upon an abutting street or within a County right-of-way or easement. Any work or connections made without approval of the CSA shall be considered as unauthorized and shall be immediately disconnected by the CSA. All equipment

within the valve/meter box, including the valve/meter box, and any piping from the meter/valve box to the mains, shall be considered property of CSA 5A, and at no time shall any person access, alter, or attempt in any way to maintain, alter, or improve said facilities of the County Service Area.

Section 8.50.030 Water Service Policy for Multiple Parcels or Merged Parcels

(a)

Only property developed with an approved residential structure shall receive water service. Water may not be used on individual parcels under the same ownership for irrigation, landscape maintenance or other purposes and any existing water service box that may be in place on those parcels not containing the primary residence shall be discontinued from use. The General Manager shall be empowered to cause the disconnection of any such water service connections on any parcel other than the parcel containing the primary residence.

(b)

Multiple parcels which are merged, resulting in one parcel, shall not be entitled to maintain additional service connections. In the case of a developed parcel that is merged with adjacent and undeveloped parcels, any water service connection that may have been in existence prior to the effective date of the merger shall be discontinued and the General Manager shall cause its discontinued use and removal. The General Manager shall cause to be pursued, a recovery of assessments not charged for any years when water was distributed to the parcel.

Section 8.50.040 Water Service to Vacant Parcels or Partially Developed Parcels

(a)

Water service shall not be provided to vacant parcels and shall only be connected at the time that a primary residence is under building permit issued by the County and for which a water service fee has been imposed. The existence of a water valve and box upon a vacant parcel does not constitute implementation of service of water delivery to the parcel. Unless a valid building permit for a primary residence has been issued or is in progress, the water service shall be considered discontinued and no water service shall be provided until such time as the General Manager determines that the property is developed.

(b)

Water service and use of water for dust control, landscape maintenance, irrigation, or other uses on vacant parcels shall also be prohibited.

Section 8.50.060 Cross Connection and Backflow Prevention

When a hazard or potential hazard to the public water system is found or suspected, the customer may be required to install an approved backflow prevention assembly to protect the public water system. The type of assembly shall be approved by the General Manager and be installed according to a plan adopted by resolution of the Board of Supervisors/Board of Directors of CSA 5A.

Section 8.50.080 Resale/Transfer of Water

Property owners and/or residents shall not re-sell any water originating from CSA 5A system. Water use shall not be transferred to any property other than the property for which the original water

service to the property is/was specified.

Ordinance Section Two:

Chapter 8.60 entitled Sierra Brooks Water System-County Service Area 5A Conservation Regulations is hereby amended as follows:

CHAPTER 8.60 – SIERRA BROOKS WATER SYSTEM-COUNTY SERVICE AREA 5A CONSERVATION REGULATIONS

Section 8.60.010 Water Conservation Policy for the County Service Area 5A 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 (hereinafter “CSA 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, filling of pools or ponds, 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 all months of the 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 beginning May 1 of each year and terminating no sooner than October 1 of each year, and at other times 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 between October 1 and May 1 of any year 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 Supervisors/Board of Directors of CSA 5A 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/Board of Directors of CSA 5A 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 or II requirements may 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 III requirements shall include all notification provided for Phase I or II requirements and shall also include posting of notices on each property containing a valid 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, the General Manager shall

impose any or all of the following:

1. An administrative penalty shall be assessed in the amount of \$250 for each violation.
2. Installation of a flow restriction device within the valve box maintained by the County Service Area.
3. Repetitive violations on the same property shall result in the installation of a water meter by CSA 5A employees, the cost of which shall be a responsibility of the property owner and shall be assessed as an administrative penalty and/or as a lien on property consistent with the County's collection process.

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 shall impose the remedies and/or administrative penalties for Phase II violations. In addition the General Manager shall have the authority to disconnect the water service which shall be preceded by a written notice of intent to disconnect issued 24 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, the General Manager shall have authority to immediately disconnect service for a property in violation of the water 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 Supervisors/Board of Directors of CSA 5A 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/Board of Directors of CSA 5A. 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 and any fees imposed to cover the cost of the appeal shall be provided at the time of filing of the appeal.

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 1st day of September, 2005 and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 1st day of November, 2005, by the following roll call vote:

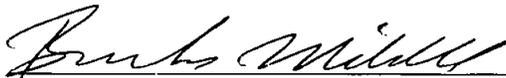
AYES: Supervisors Gutman, Huebner, Nunes, Mitchell and Whitley

NOES: None

ABSTAIN: None

ABSENT: None

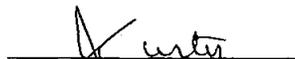
COUNTY OF SIERRA



BROOKS MITCHELL
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:


MARY J. JENGI
CLERK OF THE BOARD
JAMES A. CURTIS
COUNTY COUNSEL