
12. ENFORCEMENT

12.01 Violations

The permittee shall be held solely responsible for all costs that the District may incur during the investigation, correction and/or prosecution of any and all violations to the District Code. Any and all such costs shall be reviewed by the Board of Directors and, if found appropriate, the Board of Directors may institute collection procedures in accordance with the District Code.

12.02 Authority of District

The charges, fees, levees and assessed monetary levees pursuant to the District Code shall be collected by the District and/or Placer County. The District shall make and enforce the regulations as necessary to ensure the public health, safety, and welfare. The District shall also ensure the economical and efficient management and protection of the District's Water System and such regulating, collections, rebating and refunding of such charges and fees, levees and assessments as deemed appropriate by the Board of Directors.

In the event of a violation of any of the laws of the State of California, Placer County, or the ordinances of the District or, rules and regulations so established regarding the Water System and facilities, the District shall notify the person or persons causing, allowing, or committing such violation and upon the failure of such person or persons to cease or prevent further violation immediately upon notice of the violation, the District shall have authority to disconnect the property from the District Water System.

12.03 Public Nuisance

Continued habitation of any building or continued operation of any commercial or industrial facility in violation of the provisions of the District Water Code or any other ordinance, rule or regulation of this District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

12.04 Public Nuisance, Abatement

During any period of disconnection, habitation of such disconnected premises by human beings shall constitute a public nuisance, whereupon the District may cause or petition legal proceeding to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such events, and as a condition of re-connection, the applicant for re-connection shall pay to the District all costs incurred by the District associated with the disconnection and the legal proceedings. Such costs shall include but not be limited to reasonable attorneys fees and the costs of suit(s) arising out of any such action.

12.05 Discontinuance of Service

Service may be discontinued for any one of the following reasons:

- (a) Delinquency in the payment of any bill, except that service shall not be discontinued for nonpayment in any of the following situations:
 - 1. During the pendency of any investigation by the District of a customer dispute or complaint.
 - 2. When a customer has been granted an extension of the period for payment of a bill.
 - 3. On the certification of a licensed physician or surgeon that to do so will be life threatening to the customer.
 - 4. If the customer is financially unable to pay for service within the normal payment period, yet is willing to enter into an amortization agreement with the District and requests permission to amortize, over a period not to exceed 12 months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.
- (b) Any violation by the customer of any rules and regulations of the District governing water service.
- (c) Unsafe Apparatus or Damaging Conditions. If an unsafe or hazardous condition is found to exist on the customer's premises, or if the customer's use of water service is found to be detrimental or damaging to the District or its other customers, the District may discontinue water service without notice, provided that the District shall notify the customer immediately of the reasons for the discontinuance and the corrective actions to be taken by the customer before service can be restored. If the District determines that the need for the discontinuance stems from the customer's failure to adequately maintain the customers' building service line or the customer's improper use of the building service line or is otherwise caused by the customer's actions/inactions, then the customer will be liable for the District's cost of discontinuance and re-connection, if any, as well as any corrective actions required by the District.

12.06 Notice and Hearing Prior to Discontinuance of Service for Non-Payment

At least 10 days before any proposed discontinuance of service for nonpayment of a delinquent account, the District shall mail a notice, postage prepaid to the customer to whom the service is billed of the proposed discontinuance. Such notice shall be given not earlier than 19 days from the date of mailing the District's bill for such service and the 10 day period shall not commence until 5 days after the mailing of the notice. In addition to the 10 day notice provided for in the preceding sentence, the District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least 48 hours prior to any discontinuance of such service.

Every notice of discontinuance of service required by this section, shall include all of the following information:

- The name and address of the customer whose account is delinquent.
- The amount of the delinquency.
- The date by which payment or arrangements for payment is required in order to avoid discontinuance.
- The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure.
- The procedure by which the customer may request amortization of the unpaid charges.
- The procedure for the customer to obtain information on the availability of financial assistance including private, local, state or federal sources, if applicable.
- The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

12.07 Notice and Hearing Prior to Discontinuance other than a Discontinuance of Service for Non-Payment

At least 10 days before discontinuing service, other than the discontinuance of service for nonpayment of a delinquent account or public health and safety issues which are provided for in Notice and Hearing Prior to Discontinuance of Service for Non-Payment, Section 12.06, page 54, the District shall provide the customer with a written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the General Manager, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the General Manager shall be included in any such notice of proposed discontinuance given to a customer.

12.08 Discontinuance of Service on Weekends, Holidays or after Hours

No water service shall be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

12.09 Amortization of Delinquent Bill for Service

Every complaint or request for investigation by a customer that is made within 5 days of receiving the disputed bill, and every request by a customer that is made within 13 days of the mailing of the notice required by Discontinuance of Service, Section 12.05, page 54, for an 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 for payment shall be reviewed by the General Manager. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed 12 months. Any customer, whose complaint or request for an investigation has resulted in an adverse determination by the General Manager, may

appeal the determination to the Board of Directors.

12.10 Authority to Settle Controversies Relating to Discontinuance and to Permit Amortization of Delinquent Bills

The General Manager is hereby authorized to investigate complaints and review disputes pertaining to any matters for which service may be discontinued and to rectify errors and settle controversies pertaining to such matters. The General Manager is also authorized, upon a proper showing by a customer of the customer's inability to pay a delinquent bill during the normal period, to grant permission to amortize the unpaid balance over a reasonable period of time, not to exceed 12 months. At the discretion of the General Manager, controversies may be brought to the Board of Directors for settlement prior to the discontinuance of any such service.

12.11 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement

If an amortization agreement is authorized, no discontinuance of service shall be effected for any customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a customer fails to comply with an amortization agreement, the District shall not discontinue service without giving notice to the customer at least 48 hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the District.

12.12 Enforcement of Provisions

The provisions of the District Code, and a violation or failure to comply with any provision of the District Code, may be enforced, prosecuted and/or corrected pursuant to Health and Safety Code Sections 6523, 6523.2 and 6523.3, the penalty provisions of the District ordinance that adopted this code by reference, and/or other applicable provisions of law.

12.13 Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

12.14 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of charges, rates, and penalties are cumulative and may be pursued alternatively or consecutively.

12.15 Appeals Procedure

Any person aggrieved by a ruling under or interpretation of the provisions of the District Code may submit a written appeal to the General Manager of the District 30 days of the date that the applicant is advised by the member entity or by the Agency of any action. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is

sought, the nature of the impact of the ruling on appellants' property or business, together with any other reason for the appeal.

Should the aggrieved person not be satisfied with the determination of the General Manager, he/she shall ask to appeal the decision of the General Manager to the Board of Directors within 30 days of the date that the General Manager's determination is made. The General Manager shall then submit such appeal together with his/her recommendations to the Board of Directors at the next regularly scheduled meeting, which shall forthwith study the matter, hear testimony and reasons for such appeal, and prepare a written decision summarizing the findings and ruling of the Board which shall be sent to the appellant within 30 days following that meeting.

After a decision is reached by the Board of Directors which results in the granting, denying, or revocation of a permit, the appellant must bring any legal action against the District within the time limits set forth in Section 1094.6 of the Code of Civil Procedure which provisions are applicable to the District.

12.16 Re-Connection to the District's Water System

After disconnection of Water service to any premises for any cause, the re-connection of such premises shall be subject to all provisions of the District Water Code and/or Ordinances applicable thereto.

12.17 District Code Authority

To the extent that the terms and provisions of this ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinances, resolutions, rules or regulations governing the same subject, the terms of this ordinance shall prevail with respect to the subject matter thereof, and such inconsistent and conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

If any provision of this ordinance or applications thereof to any person or circumstances is held invalid, no other provision of this ordinance shall be affected thereby.