

~~Chapter 14.10 - WATER SERVICE AND BILLING PROCEDURES FOR THE COUNTY OF FRESNO WATERWORKS DISTRICT~~ WATER SERVICE AND BILLING PROCEDURES FOR COUNTY OF FRESNO WATERWORKS DISTRICTS AND COUNTY SERVICE AREAS

Sections:

14.10.010 - Purposes.

The board of supervisors of the county declares and finds that the public health and welfare make it necessary to establish water service and billing procedures within the territory of the county waterworks districts and county service areas where public water is provided by county facilities. Water service and billing procedures will increase the efficiency of the county service areas and waterworks districts in collecting service charges and providing service, ensuring that a cost-effective public water supply is available to the residents.

(Ord. 90-004, § 1)

14.10.020 - Definitions.

As used in this chapter:

- A. "Air-Gap Separation (AG)" means a physical separation between the free-flowing discharge end of a public water system pipeline and an open or non-pressurized receiving vessel.
- B. "Auxiliary Water System" means any water system, including but not limited to irrigation or wells, on or available to the customer service properties other than the County water supply system.
- C. "Backflow" means the reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the public water system.
- D. "Backflow Prevention Assembly" or "Assembly" means any mechanical assembly installed at a water service connection on the customer service property to prevent a backflow condition.

~~"Backflow prevention device" means a double check valve backflow prevention assembly that meets the American Waterworks Association Standard C510-89 or later.~~

~~"Backflow prevention device protective enclosure" means a protective enclosure made of redwood, brick or concrete, including lids that cover and protect backflow prevention devices.~~

E. "County" means the ~~county~~ **County** of Fresno or its authorized representative.

F. "Cross-Connection" means any unprotected connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the potable water in the public water system any used water, industrial fluid, gas, or substance other than such intended potable water.

G. "Cross-Connection Control Specialist" means a person then-currently certified by the State Water Resources Control Board (State Water Board) or by the American Waterworks Association (AWWA) to survey and determine the type of backflow prevention assembly required for a customer service property, and to verify the proper installation and function of the backflow prevention assembly on such customer service property.

H. "Curb ~~stop~~ **Stop**" means a valve installed and operated by ~~the~~ **the** County on each ~~customer's~~ **customer service** property for the purpose of providing or terminating water service to the **customer service** property.

I. "Customer" means ~~the~~ **any** owner of ~~the~~ **customer service** property receiving water ~~service~~ **from the public water system**.

~~"Customer service property" means the property owned by the customer receiving service.~~

J. "Customer Service Property" "or "Customer's Property" means the property owned by the customer where water service is delivered from the public water system.

K. "Department" means the Department of Public Works and Planning, or the County Department that is the successor thereto, which is responsible for administering chapter 14.10.

L. "Delinquent" means any water bill unpaid thirty days after ~~the bill is issued~~ issuance by the County to the customer.

M. "Double Check Valve Assembly (DC)" means an assembly composed of two single, independently acting check valves, assembled as a unit, designed to prevent backflow of non-hazardous substances.

~~"Fifteen-day warning notice" means a first notice mailed by U.S. Mail, postage paid, to water customers that are delinquent in payment of the bimonthly water bill.~~

N. "Fifteen-Day Warning Notice" means a notice of delinquency or noncompliance that the Department mailed by U.S. Mail, postage paid, to a customer who is delinquent in payment of their bimonthly water bill (or water bill issued by the Department at any other interval as may otherwise be established from time to time by the Department) or is out of compliance with the backflow prevention and cross-connection control requirements of Section 14.10.80, 14.10.81, and/or 14.10.82.

O. "Flat ~~rate~~ Rate" means a fixed periodic rate ~~for water service~~ charged for water delivered by the public water system to a nonmetered customer service property.

~~"Forty-eight hour notice" means a second notice posted on the delinquent customer service property fifteen days after the fifteen-day warning notice has been mailed.~~

P. "Forty-Eight-Hour Notice" means a notice of delinquency or noncompliance posted by the Department on the customer service property that the customer is delinquent in payment of their bimonthly water bill (or water bill issued by the County at any other interval as may otherwise be established from time to time by the County) or is out of compliance with the backflow prevention and cross-connection control requirements of Section 14.10.80, 14.10.81, and/or 14.10.82.

Q. "Meter ~~box~~ Box" or "Water Meter Box" means a concrete vault or enclosure (installed on customer service property, set in the ground) for the purpose of future installation of a water meter and/or curb stop.

- R. "Metered ~~rate~~ Rate" means a rate charged per gallon of actual quantity of water delivered by the public water system to ~~the customer~~ a customer service property as measured and recorded by a meter.
- S. "Public Water System" means a system, owned and/or operated by the County of Fresno, for the provision of water for human consumption. This includes any collection, treatment, storage, and distribution facilities under control of the County of Fresno of the system that are used primarily in connection with the system as well as any collection or pretreatment storage facilities not under the control of the County of Fresno that are used primarily in connection with the system.
- T. "Reduced Pressure Principle Backflow Prevention Assembly (RP)" means a backflow prevention assembly consisting of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between them.
- U. "Water Service Connection" means the point, on the customer service property, at which the customer's piping or constructed conveyance connects to the public water system's meter, service pipe, or other constructed conveyance.
- V. "Water ~~service restoration charge~~ Service Restoration Charge" means a charge as set forth in the Fresno County Master Schedule of Fees, Charges and Recovered Costs to recover labor, mileage, mailing and/or posting notices and all other costs incurred by as a result of a customer's failure or refusal to timely pay ~~the bimonthly~~ their water bill following the Department's notices of delinquency, including the fifteen-day warning notice and the forty-eight-hour notice. The charge includes the costs of billing and the termination and restoration of water service to a customer service property after full payment of all delinquent charges has been made.

(Ord. 91-004, § 1; Ord. 90-022, § 1; Ord. 90-004, § 1)

14.10.030 - Billing procedures.

- A. Bimonthly Billing. Where there is no provision to collect water charges on the tax rolls, property owners within the boundaries of the county waterworks districts and county service areas will be billed directly for water service on a bimonthly basis.

Billing shall be by either a flat rate as established in the master schedule of fees, or where meters have been installed, a metered rate based on actual usage.

- B. Due Date. Water bills shall be issued to the customer on a bimonthly basis and shall become due on the date of issue.
- C. Delinquent Bills. Failure to pay the water bill in full within thirty days following the date of the invoice shall result in the bill being deemed delinquent.
- D. Fifteen-Day Warning. Customers who are delinquent thirty days after the date of the invoice shall receive a fifteen-day warning notice. Failure to pay the bill within fifteen days shall automatically initiate a forty-eight-hour notice.
- E. Forty-Eight-Hour Notice. If the account remains unpaid at the end of the fifteen-day warning period, the county shall post a forty-eight-hour shut-off notice on the customer's property. Failure to pay the delinquent water charge within forty-eight hours (not including Saturday, Sunday or county holidays) after the posting of the notice shall result in termination of water service.
- F. Tax Lien. Any delinquent water bills that remain unpaid for sixty days or more from the date of the invoice shall constitute special assessments against the respective parcels of land and are a lien on the property. The amount of such delinquent fees subject to collection on the tax rolls are subject to all penalties and procedures for collection of property taxes. Such charges shall be placed on the tax rolls once a year pursuant to Government Code Section 25210.77f and Water Code Section 55501.

(Ord. 90-004, § 1)

14.10.040 - Dishonored checks.

- A. Returned Check Charge. The county will impose a returned check charge for checks received which have been drawn against insufficient funds, as determined by the county auditor-controller/treasurer. Said charge is set forth in the Fresno County master schedule of fees, charges and recovered costs.

- B. Termination of Service. In the event service is restored on the basis of payment by check, and such check is subsequently found to be drawn against insufficient funds, the county shall immediately terminate service. Notice of termination shall be posted on the customer service property and restoration of service shall only be initiated by the county when payment by money order, cash or certified bank draft is received in the auditor's office.

(Ord. 90-004, § 1)

14.10.050 - Water service restoration.

Where water service has been terminated, a water service restoration charge as defined in Section 14.10.020(K) shall be added to the delinquent amount due. After payment in full of the delinquent amount and the water service restoration charge, the water service will be restored. The amount of the water service restoration charge shall be as set forth in the Fresno County master schedule of fees, charges and recovered costs for the particular county waterworks district or county service area in which customers service property is located.

(Ord. 90-004, § 1,)

14.10.060 - Water meter boxes.

- A. Water meter boxes shall be required and installed by the customer for all new water services or connections after the effective date of the ordinance codified in this chapter within the county waterworks districts and county service areas. The meter boxes shall be county-approved, concrete and installed in a location as determined by the county.
- B. For all new services in districts with metered water service after the effective date of the ordinance codified in this chapter, the county will install a water meter at the time water service is requested by the customer. Meter and installation charges shall be as specified in the Fresno County master schedule of fees, charges and recovered costs for the particular county waterworks district or county service area in which customer service property is located.

(Ord. 90-004, § 1)

14.10.070 - Lifeline water amount and excessive use billing.

- A. The county may set a daily or monthly lifeline amount of water use in waterworks districts and county service areas where a flat rate for water is charged and water meters installed and read regularly.
- B. The county may charge customers for excessive water use greater than the lifeline amount of water set in waterworks districts and county service areas where water service is provided.
- C. The county may charge a fee, set forth in the master schedule of fees, charges and recovered costs, for excessive water use where the daily or monthly water use exceeds the lifeline amount, to recover the county cost of preparing water bills and postage.

(Ord. 90-022, § 2)

14.10.080 - ~~Backflow prevention devices, installation requirements and protective enclosures.~~ Backflow prevention: responsibility and authority.

- ~~A. Backflow Prevention Devices. In county service areas and waterworks districts where water service is provided and it is recommended by a federal, state or local health enforcement agency, at the property owner's expense, backflow prevention devices shall be installed on the water service as close to the meter box as possible on the customer service property. If the backflow prevention device fails to operate as intended or does not meet inspection requirements, the device shall be made immediately operative by the property owner or water service shall be terminated and restored when the device is operating correctly as deemed by the district.~~
- ~~B. Backflow Prevention Device Installation Requirements. All backflow prevention devices shall be installed prior to initiation of water service to the customer service property. The backflow prevention device shall be installed not less than twelve inches from the ground at its lowest point and not more than thirty inches at its highest point. Materials to be used for installation shall consist of PVC, copper or~~

~~galvanized steel pipe. Backflow prevention devices shall be supported firmly by a support made of plastic pipe inserted twelve inches below ground to the underside of the device. All backflow prevention devices shall be placed in a protective enclosure that allows ease of inspection and periodic testing as required.~~

~~C. Backflow Prevention Device Protective Enclosure. All backflow prevention devices shall be protected from weather and damage by an enclosure made of redwood, brick or concrete, according to specifications provided by the district. The district may require that identifying signs be affixed on or near the protective enclosure.~~

~~(Ord. 91-004, § 2)~~

- A. Cross-connection prohibited. A cross-connection between a public water system and actual or potential sources of contamination, caused by the actual, or potential for, contamination from water backflow, poses serious health risks to the public. In order to protect the public water system from contamination, it shall be unlawful for any person to have, keep, maintain, install, or allow the existence of a cross-connection on their customer service property. This prohibition shall apply to all customer service properties served by County public water systems in the unincorporated areas including, but not limited to, county service areas and waterworks districts. The provisions of Chapter 14.10, as they are currently in effect, apply to each customer and customer service property regardless of whether such customer or customer service property has been served by the public water system prior to the current effective date of Chapter 14.10. Customers shall make their backflow protection assemblies available for surveys and inspections by the Director under paragraph B of Section 14.10.80. The provisions of this paragraph A are in addition to and supplement existing health and safety laws and regulations.
- B. County responsibility. The Director of Public Works and Planning, or the designee thereof (the Director), shall be responsible, as the County's representative, for implementing and enforcing the cross-connection control program under Sections 14.10.80 through 14.10.87. The Director is authorized to:

1. Conduct surveys of the customer service properties (as allowed by easement granted in favor of the County) to identify actual and potential cross-connections and determine minimum required backflow prevention measures for such customer service properties that comply with state regulations;
2. Issue notices and orders requiring customers to install, arrange for testing by a cross-connection control specialist, repair, and/or replace backflow prevention assemblies on their customer service property in compliance with Sections 14.10.80, 14.10.81, and 14.10.82;
3. Maintain a list or lists, which shall be updated annually, of backflow prevention assemblies approved by the County, based on State regulations and guidance, and cross-connection control specialists doing business in Fresno County, however, such list of cross-connection control specialists is not, nor shall it be considered, an endorsement or recommendation by the Director as to any such persons or entities, and the customers shall be free to select any cross-connection control specialists whose certifications are in effect; the Director is not under any obligation to investigate whether any cross-connection control specialists who are placed on the list may subsequently not be certified or in business;
4. Enter upon the customer service properties (as allowed by easement granted in favor of the County) during reasonable hours to conduct surveys and inspections of the backflow prevention assembly (or assemblies) to determine the customer's compliance with the cross-connection control requirements of Sections 14.10.80, 14.10.81, and 14.10.82; and
5. Terminate water service to a customer service property for a customer's failure or refusal to comply with backflow prevention requirements of Section 14.10.80, 14.10.81, and/or 14.10.82, after having been given notice thereof, as provided under Section 14.10.82.

C. Customer Responsibility. A backflow prevention assembly that aligns with the customer service property's hazard classification level, as determined by the

Director under Section 14.10.81, shall be installed where required by the Director, by, and at the expense of, the customer at each user connection, to prevent backflow from the customer's customer service properties to the public water system. It shall be the customer's responsibility to comply with all applicable provisions of Sections 14.10.80, 14.10.81, and 14.10.82.

14.10.81 - Cross-connection protection requirements.

- A. General Requirements. The type of protection that shall be provided by a backflow prevention assembly, as described in paragraph B of Section 14.10.81, to prevent backflow into the public water system shall, in the determination of the County, be commensurate with the degree of hazard, actual or potential, that exists on the customer service property. Unprotected cross-connections with the public water system are prohibited.
- B. Assembly Types. The type of backflow prevention assembly that is required for a customer service property, as determined by the Director under paragraph C of Section 14.10.81, includes but is not limited to: Air-gap separation (AG); Reduced Pressure Principle Backflow Prevention Assembly (RP); and Double Check Valve Assembly (DC). The customer may choose a higher level of protection than required by the County under paragraph C of Section 14.10.81.
- C. Hazard Classification. The Director shall determine the minimum type of backflow prevention required to protect the public water system at the water service connection on the customer service property based on the applicable degree of hazard for the water service connection listed in the then-current Cross-Connection Control Policy Handbook promulgated by the State Water Board (State Water Board Handbook), as determined by the Director. Situations that are not covered in the State Water Board Handbook shall be evaluated on a case-by-case basis by the Director, and the minimum type of backflow prevention for such situations that comply with the State Water Board Handbook shall be determined by the Director.
- D. Approved Assemblies. Only backflow prevention assemblies that have been approved by the County shall be acceptable for installation by a customer on their

customer service property. The Department will maintain, on the Department's web site, an online list of approved backflow prevention assemblies and will provide that list upon request to any customer. All approved backflow prevention assemblies shall meet the then-current standards set forth in the Manual of Cross-Connection Control, published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. As of the effective date of Section 14.10.81, such standards are set forth in Chapter 10 of the Tenth Edition of the Manual of Cross-Connection Control, however, such Chapter and such Edition are not a limitation on the then-current standards of the Manual of Cross-Connection Control that shall apply.

- E. Installation. Backflow prevention assemblies shall be installed in a manner prescribed in the then-current State Water Board Handbook. Location of the assemblies shall be as close as practicable to the water service connection on the customer service property to the public water system. The Director shall have the final authority in determining the required location of the backflow prevention assembly.
- F. Testing requirements. Testing of backflow prevention assemblies shall be conducted only by cross-connection control specialists, and such testing shall be the sole responsibility of the customer. Backflow prevention assemblies must be tested by cross-connection control specialists at least annually and immediately after installation, relocation, or repair. No backflow prevention assembly shall be placed back in service unless and until it is functioning according to its manufacturer specification and intended use as verified by a cross-connection control specialist. These backflow prevention assemblies shall be serviced or overhauled in compliance with Section 14.10.80, or replaced with a backflow prevention assembly that complies with the then-current State Water Board Handbook, whenever they are found by the Director to be defective or otherwise not operating according to the product specifications, and written notice thereof is provided by the Director to the customer. All costs of servicing, overhauling, testing by cross-connection control specialists, and repairing, and replacement and maintenance of these backflow prevention assemblies shall be borne solely by the

customer. Customers must obtain approval from the Director prior to removing, relocating or replacing a backflow prevention assembly.

14.10.82 - Water service termination for cross-connection hazard.

When the County encounters a water use on the customer service property that represents an apparent hazard to the potable water supply in the public water system, which use cannot be immediately abated, the procedure applicable to such condition for terminating water service to that customer service property shall be carried out by the Department as provided in this Section. Conditions of water uses on customer service properties that create a basis for water service termination shall include, but are not limited to, the following:

1. A customer's failure or refusal to install or test a backflow prevention assembly in compliance with manufacturer specifications on the customer service property, or to repair or replace a defective backflow prevention assembly on the customer service property, after thirty (30) days' notice thereof given by the Director to the customer.
2. Direct or indirect connection between the public water system and a sewer line.
3. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
4. Unprotected direct or indirect connection between the public water system and an auxiliary water system.

For condition 1, if the customer does not correct condition 1 to the satisfaction of the Director within the allowed time period under such Director notice, water service shall be terminated by the Department upon the Department giving the customer a fifteen-day warning notice, followed by the Department posting a forty-eight-hour notice on the customer service property.

For conditions 2, 3, or 4, the Director shall first undertake a reasonable effort under the circumstances (including but not limited to the Director attempting to make on-site contact with the customer or any other person occupying the customer service property) within a

period that need not exceed three (3) calendar days to advise the customer, or any other person occupying the customer service property, of the Department's intent to terminate water service based on the failure or refusal of the customer, or any person occupying the occupying the customer service property, to correct such condition. If the customer, or any other person occupying the occupying the customer service property, does not correct condition 2, 3, and/or 4, as applicable, to the satisfaction of the Director within such time period, the Department shall terminate water service and lock service valve upon giving a forty-eight-hour notice. Notwithstanding the foregoing provisions of this paragraph, if the Director determines that there exists on the customer service property a clear and present hazard to the public water system, the Director may immediately terminate water service to the customer service property without the need for giving any such prior notice, however, upon the termination of water service, the Director shall promptly post a notice of such termination of water service on the customer service property within a reasonable time thereafter under the circumstances.

The water service connection shall remain inactive until correction of all violations has been approved by the Director. Once the violations have been so corrected and approved by the Director, and all fines under Section 14.10.84 have been paid with respect to the customer service property, the Department shall restore the water service for the customer service property as soon as practicable under the circumstances during County normal business hours.

14.10.083 - Cross-connection violation declared public nuisance.

Violations of Sections 14.10.080 and 14.10.81 are declared to be public nuisances and may be abated as such by the Director, under Chapter 1.16 of the ordinance code.

14.10.84 - Enforcement and administrative citations.

- A. Enforcement Authority. The Director is hereby empowered to administer and enforce Sections 14.10.80, 14.10.81, and 14.10.82, under this Section, through the issuance of administrative citations against customers and undertaking of any other lawful remedies.

- B. Issuance of Administrative Citations. A cross-connection control specialist, who shall be a County employee appointed by the Director (the Enforcement Officer), may issue an administrative citation to any customer when the Enforcement Officer has personally observed, or has obtained reliable evidence of, a violation of Section 14.10.80, 14.10.81, and/or 14.10.82. Each citation shall be numbered consecutively, and a log of issued citations shall be maintained by the Department.
- C. Administrative Fine Amount. A violation of Section 14.10.80, 14.10.81, and/or 14.10.82 shall be subject to an administrative penalty, for a fine of five hundred dollars (\$500) per violation.
- D. Contents of Citation: Each administrative citation shall, at minimum, state:
1. The date, approximate time, and precise location of the violation;
 2. A factual description of the violation and the provision of Section 14.10.80, 14.10.81, and/or 14.10.82 violated;
 3. The name of the responsible person, or a description sufficient to identify the responsible person;
 4. The applicable fine amount and instructions for payment, including the deadline—thirty (30) days from service of the administrative citation—and acceptable payment methods;
 5. Notice of the right to appeal.
- E. A statement that failure to pay the fine or timely appeal will result in the administrative citation becoming a final administrative order and may subject the violator to further collection efforts.
- F. Service of Citations:
1. Personal Service: An Enforcement Officer may personally serve the administrative citation on the responsible person; the recipient's signature, or refusal to sign, shall be noted on the citation.
 2. Mail Service: If personal service is impracticable, as determined by the Enforcement Officer, the administrative citation may be mailed by first-class mail, postage prepaid, to the person's last known address.
 3. Alternative Service: Where the responsible person's name or address is unknown, service may be effected by the Enforcement Officer posting the

administrative citation at the site of the violation and by mailing a copy to "Occupant" at that location, or by any method reasonably calculated to provide actual notice.

- G. Effective Date of Service. Service of the administrative citation shall be effective on the date it was personally served or otherwise delivered by the Enforcement Officer. Service of the administrative citation shall be effective five (5) days after the date it was mailed by the Enforcement Officer, regardless of when or whether it is received by the responsible person.

14.10.085 - Appeal of administrative citations.

The procedures to appeal an administrative citation issued pursuant to Section 14.10.84 are as follows:

- A. Hearing Request. Any person issued an administrative citation pursuant to Section 14.10.84 may contest the citation by requesting a hearing according to the procedures found in Section 1.13.170 of this code. A person financially unable to pay the administrative fine as provided in Section 1.13.170 may request an advance deposit hardship waiver as set forth in Section 1.13.180.
- B. Hearing Officer. For hearings to challenge an administrative citation issued pursuant to Section 14.10.84, the County Administrative Officer, or the designee thereof, in consultation with the Director shall appoint a hearing officer to preside over an administrative citation hearing that has been properly requested under the provisions of this Section and this code.
- C. Hearing Procedures. The procedures for a hearing to challenge an administrative citation issued pursuant to Section 14.10.84 are the same as those listed in Section 1.13.200 of this code.
- D. Right to Judicial Review. Any person aggrieved by the decision of an administrative hearing officer in any hearing on an administrative citation issued under Section 14.10.84 may obtain review of the administrative decision by filing a petition for review with the Fresno County Superior Court, in accordance with the timeline and other provisions set forth in Section 53069.4 in the California Government Code.

- E. The procedures of Sections 1.14.020 to 1.14.050 of this code are applicable to administrative citations issued under Section 14.10.84.
- F. Recovery of Administrative Citations. The County may collect any past due administrative citation(s) assessed, and issued pursuant to Section 14.10.84, by use of any and all available legal means, including without limitation, as a personal obligation or a lien recorded against any real property owned by the person(s) found to have violated Section 14.10.80, 14.10.81, and/or 14.10.82. County Counsel may bring a civil action in the name of the County to recover any past due administrative fine(s) and may enforce any judgment to collect any unpaid sum in the same manner as civil judgments.

14.10.086 – Remedies.

- A. The remedies provided in this chapter are cumulative and non-exclusive.
- B. Nothing in this chapter precludes the County from pursuing any other remedy available at law or equity.

14.10.087 – No exemption from laws and codes.

Nothing in this chapter 14.10 shall exempt any customer or any other person or entity from all applicable requirements of any state or local laws and codes, including but not limited to California building codes, or any other chapters of the Fresno County Code.