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ARTICLE 9. RULES RELATING TO CUSTOMER ACCOUNTS

Sec. 9.1. Classifications of Water Service.

1. Domestic Water Service. Includes water used by:
 - ...Single family dwelling units
 - ...Multiple family dwelling units (duplexes, condominiums, and apartments)
 - ...Trailer space, camper space, mobile home park units
 - ...Rooming houses
 - ...Any individual living unit

2. Commercial and Industrial Water Service. Typical commercial and industrial water users include:
 - ...Factories
 - ...Service stations
 - ...Garages
 - ...Laundries
 - ...Any business normally considered to be commercial or industrial

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

4. Agricultural Water Service. The following are typical agricultural water users:
 - ...Ranches
 - ...Nurseries
 - ...Flower growers
 - ...Any endeavor accepted as an agricultural service as defined by the Metropolitan Water District of Southern California

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

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

Sec. 9.2. Applications for Water Service.

- 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.
 1. 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:

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(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; and

2. Notwithstanding the forgoing, at the District's discretion a tenant or lessee of property may request water service for a property, provided a completed and signed application for water service is submitted to the District by the owner of the identified property in accordance with Section 9.2.A.1. The application shall also include: (i) a statement by the owner that he or she authorizes water service for the identified property; (ii) the signature of the tenant or lessee stating that he or she will be the party responsible for making monthly payments to the District for water services delivered to the identified property; and (iii) an acknowledgement by the owner that he or she accepts liability for any delinquent or unpaid water charges associated with the identified property, including any penalties and interest related thereto. Such acknowledgment shall be renewed by the owner on an annual basis;

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 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, in addition to meter installation charges (See Sec. 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 Sec. 14.1.).

- F. 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 twice the estimated average periodic bill or three times the estimated average monthly bill.
 - (a) This deposit is in addition to the payment of all charges due and any applicable re-establishment of service charges (See Sec. 9.13.C., Sec. 8.9, Sec. 8.12).
 - (b) The General Manager may waive or adjust the security deposit requirement with sufficient written justification.
 - (c) The security deposit will be returned to the depositor two (2) years after the last lock-off for non-payment, if the depositor has maintained a timely-paid, delinquent free account record during the two-year period, or when the account is paid in full on termination of service, whichever occurs first.
 - (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.

- G. 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 Administrative and Ethics Code (See Sec. 8.11, Sec. 8.9, Sec. 8.10, Sec. 8.13, and Sec. 9.13.C.).

- H. If an amortization agreement is entered into, no termination of service shall be effected for any customer complying with an amortization agreement if the water customer keeps the account current as charges accrue in each subsequent billing period (See Sec. 9.13.C).

- I. 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.

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J. The following measures may be taken to make collection of any bill in excess of \$20.00 which remains delinquent 90 days after the date of bill issue.

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 and penalties, 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 following measures may be taken 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.

(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 September 1 of each year, certify to the Board of Supervisors and San Diego County Auditor 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.

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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 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 Questionnaire and may be required to provide a certified backflow prevention device.

- B. Temporary Irrigation Meter (TIM). Irrigation meters for limited periods 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 of \$900.00 for 2" meter or larger and \$600.00 for meters smaller than 2", or the cost of estimated water usage during a two month period, based upon the usual and customary quantities of water necessary for a particular application, whichever amount is greater, shall be placed with the District prior to installation of construction meter. 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 incurred in the installation and removal of the service and any outstanding charges for water used. 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. All TCMs and TIMs shall remain in the location as installed by District staff. Any exceptions to this policy must be authorized by the General Manager or his/her designee. 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

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District will estimate water use for those traveling meters, which are not brought in.

- 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.

Sec. 9.4. (H) revised via Ordinance No. 331 / June 9, 2006

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 Sec. 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.

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- F. The District retains the ownership of meters and connecting service pipe assemblies.
- G. A customer may have service discontinued and meter locked off by notifying the District in writing. 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 Sec. 8.10. for amount of fees to terminate or re-establish service). (See Sec. 9.13.C. for water service discontinued due to non-payment of water bill).
- H. The decision of the Olivenhain Municipal Water 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, as amended. 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 Sec. 8.11)
- I. 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. 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, and additional capacity fees and any applicable charges based on current schedules (See Sec. 13.11.).

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- 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 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.

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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. 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 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 District and must be installed in accordance with specifications of the Olivenhain Municipal Water 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.

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 Sec. 8.5 for fees and charges)

Sec. 9.11. Rules and Regulations Governing Cross Connections.

1. The rules and regulations governing cross connections are set forth in District Ordinance No. 166 and in the Manual of Cross Connection Control, published by the Foundation for Cross Connection Control & Hydraulic Research, University of Southern California.

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2. Installation and Maintenance of Backflow Preventers. The District shall determine whether a backflow prevention assembly shall be installed and maintained by the customer. (See Administrative Code, Section 9.2.C.). The customer shall bear all costs of the installation and maintenance. All backflow prevention assemblies must be approved by the District and by the University of California School of Engineering, Foundation for Cross Connection and Hydraulic Research. All new installations and replacements shall be reduced pressure principle assemblies and shall be installed in accordance with the District's specification manual.

3. Monitoring Backflow Prevention Assemblies. District personnel shall inspect and conduct an initial test to determine the effectiveness of backflow assemblies. Additional tests shall be conducted as frequently as necessary to ensure the effectiveness of the backflow assemblies and, in any event, not less frequently than once a year. In the event a backflow assembly is found to be unsatisfactory, the General Manager or his/her representative shall take immediate steps to ensure that corrective measures are accomplished and/or service terminated.

4. Annual Testing by Customer. The customer owns the backflow assembly and has full responsibility for annual testing (or more often if required by the District), maintenance, repair, retesting, and for providing the District with proper records and test data.

5. The District will mail notices once per year to customers with backflow assemblies. Notices will provide ninety (90) days in which to test the backflow assembly, to perform any necessary repairs, and to furnish the test and repair data to the District.

A list of certified testers and repair companies will be mailed with the notices. If no test data is furnished to the District within the ninety (90) day period, the District will mail a second notice advising the customer that failure to supply test and repair data (when repair is necessary) to the District within thirty (30) days from the mailing date of the second notice will result in commencement of proceedings to terminate water service. If the District does not receive test and repair data where repair is necessary within thirty (30) days of the date the second notice was mailed, the District will post in a conspicuous location on the property a notice that the customer's service is scheduled for shut-off within fifteen (15) days.

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A final forty-eight (48) hour shut-off notice will be posted on the customer's property and attempts will be made to contact the customer by telephone at least twenty-four (24) hours prior to actual discontinuance of service.

Where the District determines that a condition exists which creates an immediate health risk to the public water system, the District shall be entitled to terminate service without notice until the public health impact is corrected.

- E. Responsibility for Costs. All costs for installation, test and repair shall be borne by the customer. Inspection will be the responsibility of the District.
- F. Monitoring Charge. A monitoring charge shall be billed to the customer monthly as provided under Sec. 8.7.

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.9.14.(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.9.14.(A) revised by Ordinance No. 296 / July 24, 2002

Sec. 9.13. Payment of Water Bills.

- A. Water bills are due and payable upon presentation. Bills may be paid at the office of the District or by mailing to OMWD lock box address at, P.O. Box 502630, San Diego, CA 92150-2630.
- B. All meters shall be read and billed monthly.

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- C. Payments are due on the 26th of each month. A delinquency penalty of 5% will be charged if payments are not received by the 7th of the subsequent month following the payment due date.

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.

At least forty-eight (48) hours prior to discontinuance of service due to non-payment, the District will post, in a conspicuous location on the property, a 48-hour shut-off notice. A final attempt to contact the customer by telephone will be made at least twenty-four (24) hours prior to actual discontinuance of service.

Customers will incur a posting fee of \$10.00 whenever the District is required to post a 48-hour notice to terminate water service due to non-payment of a water bill.

Service will not be terminated if there are any known life threatening consequences or during payment negotiations when customer has requested, within 5 days of receipt of bill, an extension of the normal payment period. Also, the District will not terminate service to a 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.

- D. The District may, at its discretion, and for the convenience of the customer, accept an advance payment for a period of time.
- E. The District shall make a \$30.00 charge to customers' accounts for any rejected payment not caused by the District.

Sec. 9.14. 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. 9.15. 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 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.

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Sec. 9.16. 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. 9.17. 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. 9.18. Connecting of Services. Only duly authorized employees of the District are allowed to connect or disconnect the customer's service.

Sec. 9.19. 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 or neglect of the customer, must be paid for by the customer on presentation of a bill thereof.
- 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. 9.20. Interruption of Delivery. In case of necessity, water may be turned off from the District's mains and conduits.

Sec. 9.21. 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 the Water Code of the State of California.

Sec. 9.22. 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. 9.23. 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.

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Installation charges and capacity fees for temporary meter installations shall be in accordance with Sec. 13.11. of this Administrative Code.

Sec. 9.24. Enforcement of Water Conservation Ordinance. The California Water Code sections 375 et seq. authorize the District to adopt and enforce a comprehensive water conservation program. Additionally, the 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 the California Water Code, the General Manager or his/her designee is authorized to implement the provisions of these ordinances.