

NTPUD WATER ORDINANCE

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CHAPTER 1

GENERAL

1.1 PURPOSE

The purpose of this Ordinance is to establish the rules, regulations, conditions of service, and rates for water service by the North Tahoe Public Utility District. The General Manager shall administer and enforce this Ordinance and may adopt and impose administrative rules or regulations to assisting in doing so. By applying for or receiving water service from the District, each customer, on its own behalf and behalf of its guests, tenants, employees and anyone else using water at the property, covenants and agrees to be bound by and to comply with all regulations of the District as may be in force at the time of application and as may subsequently be adopted by the District.

1.2 VARIANCES

The General Manager is authorized to consider and grant variances from the requirements of this Ordinance, including the Technical Specifications, upon application by any person. Variances shall only be allowed under the following circumstances: (1) the granting of the variance will not significantly adversely impact the operation and maintenance of District facilities, including but not limited to economic impacts, (2) the granting of the variance will not result in adverse public health or environmental consequences, (3) there is no other practical alternative available to the applicant which does not require the granting of a variance, and (4) the applicant has proposed to utilize the highest technological methodology available in design and construction so as to avoid or minimize adverse impacts on District facilities.

1.3 TECHNICAL SPECIFICATIONS

The General Manager shall adopt and amend the Technical Specifications. Any amendments to the Technical Specifications shall be incorporated by reference into this Ordinance upon their adoption.

1.4 DEFINITIONS

1.4.1 Accessory Dwelling Unit (ADU). An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. In the event that Placer County adopts an ordinance regulating ADUs as permitted by Government Code section 65852.2, accessory dwelling unit shall mean an ADU as defined in such ordinance.

1.4.2 Backflow. The reversal of the normal flow of water caused by either backpressure or backsiphonage.

1.4.3 Backflow Preventer. An assembly or means designed to prevent backflow.

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1.4.4 Backpressure. The presence of a pressure in any portion of the customer's service greater than the pressure at the service connection.

1.4.5 Backsiphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by a reduction of pressure in the potable water supply system.

1.4.6 Contamination. An impairment of the quality of potable water by sewage, industrial fluids, waste fluids, compounds, or other materials to a degree which creates an actual or potential hazard to the public health through poisoning, toxicity, or the spread of disease. Contamination shall include any impairment prohibited by applicable law.

1.4.7 Cross-Connection. Any physical connection or arrangement or piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow or backsiphonage may occur into the potable water system.

1.4.8 Cross-Connection Control. The installation of an approved backflow prevention assembly at the water service connection to any customer's premises.

1.4.9 Customer. The owner of a property, or his/her authorized agent, receiving water service from the District. Customer may include, as appropriate, the tenant of a property directly receiving service as permitted by this Ordinance.

1.4.10 District. The North Tahoe Public Utility District, a California public utility district authorized under Public Utilities Code, § 15501 et seq.

1.4.11 District Board or Board. Board of Directors of the North Tahoe Public Utility District, an elected body.

1.4.12 Enforcement Officer. A District employee designated to enforce this Ordinance.

1.4.13 Exempt ADU. An ADU that is (1) located within a zone for single-family use, (2) contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, (3) has independent exterior access from the existing residence, and (4) the side and rear setbacks are sufficient for fire safety. There shall only be one Exempt ADU per parcel.

1.4.14 Flow Restrictor. A device that reduces the rate of water flow, provided that flows remain sufficient for residents health and safety purposes.

1.4.15 Multi-Family Residential. Residential uses containing two or more residential units, including apartment buildings, duplexes, townhomes, motels, and hotels.

1.4.16 Parcel. A lot or other legal unit of real property as recognized by Placer County.

1.4.17 Pollution. Means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the

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usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

1.4.18 Potable Water. Any water, which according to recognized standards, is safe for human consumption.

1.4.19 Pressure Reducing Valve. A valve device providing regulation of water pressure to limit the pressure for use within a structure.

1.4.20 Pressure Relief Valve. A valve device providing relief of surges in the system due to excessive pressure within or external to the structure.

1.4.21 Private Service Lateral. The portion of a customer's water distribution system that is past the water service connection.

1.4.22 Property. A parcel or group of adjacent parcels owned in common ownership if permitted by the District as set forth in Section 2.3.1.

1.4.23 Residential. A single family home or multi-family residential use.

1.4.24 Service Unit. The basic level of regular water service used for billing or similar purposes.

1.4.25 Uniform Plumbing Code (UPC). A code published and updated periodically by the International Association of Plumbing and Mechanical Officials as amended by the State of California incorporated into the California Building Standards Code. If further amended by Placer County or other applicable land use authority, the UPC shall include these amendments to the extent provided by applicable law.

1.4.26 Technical Specifications. The rules and regulations adopted by the General Manager regarding the Water System.

1.4.27 Water Service Connection. The terminal end of a service connection from the water system where the District loses jurisdiction and sanitary control over the water at the point of delivery to the Customer's private system. If a meter is installed at the end of the service connection, the water service connection shall mean the downstream end of the meter. For fire service lines, the water service connection shall mean the downstream end of the check valve. In other cases and subject to Section 5.1, the water service connection shall be at the parcel line.

1.4.28 Water System. The system owned and operated by the District to deliver potable water to customers at the applicable water service connection.

CHAPTER 2

CONDITIONS OF SERVICE

2.1 WATER SYSTEM OPERATION

2.1.1 Transfer of Title to Water. Title to water furnished by the District shall pass from the District to the customer at the water service connection. As such, full responsibility for the carriage, handling, storage, disposal and use of water and any related damage shall be the customer's sole and complete responsibility from the water service connection through the place of end of use. The District is not responsible for damage to the property if a leak or water damage occurs inside of the structure or at any place after the water service connection.

2.1.2 Interference with the Water System. No person shall interfere or tamper with any part of the water system, except as permitted in this Ordinance or by the General Manager. No person shall make or permit any unauthorized connection to the water system.

2.1.3 Water Pressure and Supply. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and will furnish such quantities and pressures as are available in the water system. Without limiting the foregoing, the District does not and cannot guarantee that its water system will provide sufficient water quantities or pressure for fire protection purposes. No contract to provide a minimum water quantity or pressure is created by accepting service from District.

2.1.4 Service Interruption. The District reserves the right at any and all times to discontinue water delivery for the purpose of maintenance, repairs, and alterations to its water system. Wherever possible, advance notice of interruption of service will be given to all water users affected. In addition, District may experience unintentional or unexpected loss of water delivery. Any loss or damage suffered as a result of any service interruption shall be the customer's sole responsibility.

2.2 CUSTOMER'S PRIVATE SYSTEM

2.2.1 Service Lateral Maintenance. The customer shall maintain the private service lateral as necessary to receive service at the water service connection. This obligation shall include the installation and maintenance of a pressure relief valve or pressure reducing valve as required by the Technical Specifications.

2.2.2 Shutoff Valve. The customer shall install, maintain and use a customer's shutoff valve to turn water on and off for their convenience. Such valve shall be located downstream of the water service connection. If the District needs to turn off water to the customer's property, it may, but is not required to, do so at the shutoff valve.

2.2.3 Access to Facilities. By applying for and/or receiving water service from the District, each customer irrevocably licenses the District and its authorized employees, contractors and agents to enter upon the consumer's property at reasonable times for the purpose of reading, inspecting, testing, checking, repairing, maintaining or replacing the water system.

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2.2.4 Use of Water. Except with the prior written authorization of the District, no customer shall use, or permit the use of, any water furnished by the District on any property other than the customer's property, nor shall any customer resell or donate any water furnished by the District.

2.3 ADMINISTRATIVE PROVISIONS

2.3.1 Service Unit. All service to structures (including but not limited to ADUs) or other uses on the same parcel or contiguous parcels in the same ownership shall be a single service unit and shall have a single water service connection unless the District determines that a separate water service connection is necessary or advisable. The determination of what constitutes the same ownership, contiguous parcels, and a service unit shall rest solely with the District. Multiple structures on the same parcel being served with different points of connection shall constitute separate service units. In addition and upon written request by the property owner and approval by the District, a property owner may have more than one service unit on the same parcel or contiguous parcels of property. Notwithstanding the foregoing, in no event shall a separate meter or water service connection be required for an Exempt ADU.

2.3.2 Service Calls. Subject to the provisions of this Ordinance, customers may request a service call from the District. If the issue is or may potentially be the District's responsibility, the District will respond to provide assistance or determine responsibility for the issue.

2.3.3 Change of Accounts. In the event the name of an account is changed, or transferred, or there is a request to read the meter, there shall be a fee charged to the account as shown in the District's rate schedule.

CHAPTER 3

NEW OR MODIFIED SERVICES

3.1 NEW SERVICE

3.1.1 General Requirements. New services will be connected subject to the following conditions:

- (a) The property to be served is within the water service area of the District.
- (b) A District water main of adequate capacity and pressure, as solely determined by the District, exists in a publicly traveled right of way, or District easement abutting a principal boundary of the land to be served; or adequate mains, pumps and storage facilities, as solely determined by the District, are constructed in accordance with the Technical Specifications.
- (c) The customer shall apply for service. Applications for new service shall be in writing on forms provided by the District and signed by the customer or authorized agent. Applications shall be supported by such data as the District may require, such as a map or legal description of the property to be served, the date service is to begin and the names and billing

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address of the recorded owners responsible for payment. If the person making application is not the owner of the property, permission to bill this person must be provided to the District on a form provided by the District.

(d) The customer shall obtain a water connection permit from the District and construct all necessary facilities as identified on the permit in accordance with the Technical Specifications or other applicable law.

(e) The customer shall not have any outstanding amounts owed to the District on any water or sewer account.

3.1.2 Water Use Without Approved Application. A person taking possession of a premises and using water from an active water service connection without having made application to the District shall be held liable for the water delivered from the date of the last billing. If a proper application for water service and outstanding bills for service are not brought current within fourteen (14) days of notification by the District, the service may be discontinued by the District in accordance with Section 7.2.

3.1.3 Extension of Facilities. If the District water system must be extended to provide service at the water service extension, the applicant shall comply with this Section.

(a) Necessary Facilities. The extension facilities necessary to serve any parcel shall be determined solely by the District and may include oversizing subject to Subsection (e). These facilities may be designed by the District or a qualified agent of the applicant, and shall be installed in accordance with the Technical Specifications and other plans and specifications required by the District. Upon completion, inspection and acceptance of the facilities by the District, they shall be owned and operated by the District as a part of the District water system. The applicant shall install extension facilities utilizing a competent and experienced contractor, licensed in California, and approved by the District. The District reserves the right to construct, with its own personnel or by contract, all extension facilities including but not limited to storage facilities, pumping plants, taps of existing mains, and extensions involving complicated connections to, or interference with, the District's existing facilities.

(b) Location of Facilities. Extension facilities shall be located only on land owned by the District in fee, or in a public street or highway, or in an easement granted to the District and satisfactory to the District. The applicant will cause to be conveyed or granted to the District, without cost to the District, such lands and/or easements as the District determines to be necessary for the extension facilities. Lands shall be conveyed to the District in simple, free and clear of liens or encumbrances, except for such encumbrances of record that may be acceptable to the District. Easements shall be granted in such form as shall be satisfactory to the District.

(c) Costs and Expenses. The applicant shall be solely responsible for all costs and expenses. The applicant shall deposit with the District a sum equal to 125% of the estimated total cost of the construction of the extension facilities prior to final design and construction. If, upon completion of the work, the amount paid to or deposited with the District is less than said actual costs, the difference shall be paid to the District by the applicant prior to the

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commencement of service. Any amount paid or deposited in excess of said actual cost will be credited toward usage or refunded upon application.

(d) Environmental Documentation. Whenever the District determines that an environmental document is necessary, the District will provide applicant with an estimate of the cost. The applicant will deposit an amount sufficient to cover sixty (60) days' of expenses with the District. The District's actual costs, including overhead expenses and legal and consultant fees, of preparing said report, and conducting hearings as necessary will be invoiced to the applicant monthly and shall be deducted from the deposit. The applicant shall pay such invoices and/or replenish the deposit. If the applicant fails to do so, the District may suspend or cease work and/or take any action necessary to recover the amounts owed. At the conclusion of the process, any remaining deposit amounts shall be returned to the applicant without interest.

(e) Reimbursement. In the event that the District requires the installation of any extension facilities larger than those necessary to serve the parcel or extension facilities that would have been required to serve adjacent or nearby parcels upon their development, the District and applicant may enter into a reimbursement agreement outlining the terms and conditions of reimbursement to the applicant.

3.2 ALTERED SERVICE

Customers shall notify the District and obtain a water connection permit, if necessary, whenever the use changes or new additional structures are built on parcels having existing water service. In such instances, the District may require a new or increased connection fee. A credit shall be provided for previously paid connection fee. No refund or credit shall be provided for situations where altered service results in a lower connection fee. The District may require the private service lateral, meter or other portion of the District water system be modified if necessary to comply with this Ordinance as a condition of approving any altered service.

CHAPTER 4

SPECIAL SERVICES

4.1 TEMPORARY SERVICE

4.1.1 General Temporary Service. Service which the District determines will be for less than one year and will not require installation of a permanent connection shall be provided upon payment of the total estimated cost of installing and removing the connection and a security deposit. Service charges and rates shall be in accordance with the billing procedures and rates contained within this Ordinance.

4.1.2 Service Through a Fire Hydrant. Temporary use of water from a fire hydrant must be authorized by the District, and a hydrant meter obtained from the District. A deposit equal to the value of the replacement cost of the hydrant meter will be paid to the District. Upon termination of the temporary service, if the District equipment is returned without damage, the deposit will be refunded less applicable charges. The customer must provide a hydrant wrench necessary to operate such hydrant.

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4.2 FIRE SERVICE

The District will provide water service for fire hydrants and other facilities used exclusively for fire protection at such pressure, and at such rates of flow, as may be available from time to time as a result of the operation of the water system. The District does not warrant or guarantee any pressure or range of pressures, or any flow or rate of flow. The District shall not be liable for any damage in any manner arising out of the non-availability of water, or water pressure, at any hydrant or facility used for fire protection purposes. All fire service systems shall be designed and installed in accordance with the Technical Specifications.

CHAPTER 5

METERS

5.1 METERED SERVICE

All services from the District water system shall be metered. Generally, each service unit shall be separately metered. Due to existing piping arrangements, this may not be possible. The District may elect to meter a group of customers, or parcels at the sole discretion of the District. For multi-family residential uses, the number of meters shall be at the discretion of the District. All new multi-family residential uses shall be individually metered by dwelling unit or master metered as determined by the District.

5.1.1 Location. Meters will be located immediately adjacent to or within the customer's parcel within the right of way. Exceptions to this requirement may be specifically authorized under such circumstances as the District may consider appropriate.

5.1.2 Change in Location of Meters. Meters moved for the convenience of the customer or to ensure compliance with this Ordinance or other applicable law or regulation will be relocated at the customer's expense. Meters moved for other reasons shall be moved at the District's expense.

5.1.3 Sealing. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by employees or authorized agents of the District.

5.1.4 Size of Meters. Meter size shall be determined by the District in its sole discretion.

5.1.5 Re-evaluation of Meter Size

(a) Requested by Customer. A customer may request a change in meter size based on changed conditions at the place of service or when historical usage indicates a change is warranted. The customer shall be responsible for any costs incurred in making the change.

(b) Required by District. The District may require a change in meter size when the historical usage indicates the meter is operating above or below the meter's rated design capacity. The customer shall be given written notice in advance of the change. The customer shall be responsible for any costs incurred in making the change.

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5.2 METER READING AND METER ACCURACY

5.2.1 Frequency of Meter Reading. Meters will be read, as practical, on a monthly basis. Additional readings will be made on commencement and termination of service, and as required by special circumstances. The fact that a meter is not read shall not preclude computation of a bill. The District may change the frequency of meter reading if a new frequency is determined to be more cost effective.

5.2.2 Meters That Cannot Be Read Due To An Obstruction. Where a meter cannot be read because of an obstruction, the customer will be notified and shall be required to remove the obstruction. If an obstruction is not removed within thirty (30) days of notification, service may be terminated.

5.2.3 Testing Meters. The District will test the accuracy of its meters upon the request of a customer. The customer may witness the test. If a meter is found to be working improperly, it will be repaired or replaced by the District.

(a) Adjustment for Meter Errors - Fast Meters. If a meter tested at the request of a customer is found to be more than two percent (2%) fast, the excess charges for the time service was rendered to the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer. The cost of the test shall also be refunded.

(b) Adjustment for Meter Errors - Slow Meters. If a meter tested at the request of a customer is found to be more than ten (10%) percent slow in the case of Residential services, or more than five (5%) percent slow for other than Residential services, the District may bill the customer for the amount of the undercharge based on corrected meter readings for the period, not exceeding six months, that the meter was in use.

(c) Non-Registering Meters. If a meter is found to be not registering, the charges for service shall be based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the District.

5.2.4 Excess Water Use. Where water meters are installed and available to be read, readings shall be analyzed to determine excess water usage within seven (7) calendar days of the meter reading date. If the usage is in the abnormal range as determined by the District, the customer shall be notified and the service turned off if the residence or business on the property is vacant. If contact of property owners or emergency shutoff of service has not been completed within this period, the property owner shall be responsible for all water used during the seven (7) day period, and only for the historical use thereafter, until the date of contact with the property owner or shutoff of service. When the property owner is contacted, all usage charges shall apply after the date of contact. This subsection, and any reductions in billing, shall not apply in situations where meters cannot be read due to adverse conditions or where meters are prevented from being read by conditions beyond the control of the District.

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5.2.5 Uncontrollable Loss of Water.

(a) Where a customer, through no fault of their own, has incurred excessively high water bills during one meter read cycle, relief may be granted by the District even though the water has passed through the water service connection. Relief is intended for situations where lines have frozen and broken, and the detection and correction of such a break could not have reasonably been accomplished in time to avoid the excessively high water usage. Only customers who have had uncontrollable loss of water greater than 100,000 gallons in one meter read cycle may request relief under this subsection.

(b) Request for relief must be in writing to the District. The General Manager will, to the greatest extent possible, confirm that the high overage was a result of an undetectable condition and was not a direct result of negligence or inattention of the property owner. The General Manager may decide to provide relief for some or all of the overage above 100,000 gallons. This decision may be appealed to the Board.

CHAPTER 6

BILLING

6.1 GENERAL

6.1.1 Water Service Charges. The District shall charge customers for water service at the rates set forth in Attachment A-1 of this Ordinance. Such fees and charges shall be adopted by ordinance or resolution. Any new or modified fees or charges shall be incorporated by reference into this Ordinance and Attachment A-1 by reference upon their effectiveness.

6.1.2 Connection Fees. The District shall charge applicants for connecting to the water system at the fees set forth in Attachment A-2 of this Ordinance. Such fees shall be adopted by ordinance or resolution. Any new or modified fees shall be incorporated by reference into this Ordinance and Attachment A-2 by reference upon their effectiveness.

6.1.3 Other Fees and Charges. Subject to any provisions set forth in this Ordinance or applicable law, the District shall charge applicants, customers or other persons for other services at the rates set forth in Attachment A-3 of this Ordinance. Such fees or charges shall be adopted by ordinance or resolution. Any new or modified fees or charges shall be incorporated by reference into this Ordinance and Attachment A-3 by reference upon their effectiveness.

6.2 BILLING FOR WATER SERVICE CHARGES

6.2.1 Bills. Basic water service is billed in arrears. Bills will be mailed or sent electronically at the beginning of each billing period to the address furnished to the District. The customer shall be responsible to keep the District advised of the address to which bills are to be mailed. Non-receipt of a bill shall not relieve a customer of any payment obligation to the District.

6.2.2 Payment. Bills shall be due and payable upon presentation. Payment shall be made to the District office. Bills shall become past due in thirty (30) days, and delinquent in

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sixty (60) days from the billing date, and may become a lien on the property (60) days after the billing date.

6.2.3 Delinquent Bills. In the event of delinquency in the payment of any rates, or charges, or installation charges thereof, or interest thereon, penalty and interests shall be imposed as set forth in set forth in Attachment A-3 of this Ordinance.

6.2.4 Responsibility for Payment

(a) Unless otherwise provided by law, all charges for water service shall be billed to the owner of the property making application for service. Upon written request of the owner, and approval by the District, charges for water service shall be billed to the person occupying the property provided, however, that in the event of delinquency, such charges shall be billed to the property owner and remain with the property. In such case, the owner shall be deemed the person receiving service under Public Utilities Code section 16472.1 and should charges remain delinquent, the District shall place a lien on the property.

(b) Should the property be sold and a delinquent bill exists on said property, the District will transfer those charges to any other open account under the name of the previous owner afforded such service. Should the property be sold and no other account is available to accommodate the transfer, the District may utilize whichever collection methods it wishes to recover the fees from the prior owner.

(c) Charges for sewer collection and water service provided by the District shall be billed upon the same bill and collected as one item.

CHAPTER 7

DISCONTINUANCE, DISCONNECTION, TERMINATION, AND ABANDONMENT OF SERVICE

7.1 DISCONTINUANCE OF SERVICE FOR NON-PAYMENT

7.1.1 Residential Customers. The District shall not discontinue service to residential customers for non-payment of bills. Rather, when a bill is delinquent, the District may install a flow restrictor to such water service connection. The District shall provide fourteen (14) days' written notice to the customer prior to doing so.

7.1.2 Non-Residential Customers. Service to non-residential customers may be discontinued for non-payment as provided in this section. However, service shall not be terminated during the pendency of any investigation into a customer dispute or complaint or when the customer has been granted an extension of time to pay the applicable bill.

The following steps will be followed where an active service must be discontinued:

(a) Customer and/or owner of property will be noticed at least ten (10) days before the time and date for discontinuance. This ten-day period shall commence five (5) days

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after District mails customers and/or owner notice via mail. The notice shall in a form approved by the General Manager and District Counsel.

(b) A notice will be placed on the property at least 48 hours prior to discontinuance.

As an alternative to discontinuance of service to non-residential customers, the District may install a flow restrictor under the procedures set forth in Section 7.1.1.

7.2 DISCONTINUANCE OF SERVICE FOR OTHER REASONS

7.2.1 Grounds for Discontinuance. In addition to discontinuance for non-payment, the District reserves the right to discontinue water service or disconnect any water service connection for any of the following reasons:

(a) The customer fails to comply with this Ordinance or any of the District's rules, regulations or policies.

(b) The service is being furnished without a proper application or under a false or fraudulent application.

(c) The customer unlawfully tampered or interfered with the District's facilities.

(d) The District or a State or County public health officer finds that there exists a condition hazardous to the health and safety of the customer or any water user of the District.

(e) The customer fails, after notice from the District, to remove an obstruction that prevents the reading of the meter.

(f) The customer fails to maintain the facilities in a suitable condition that allows for reading of the meter.

(g) The customer does not meet the requirements of the District's water conservation provisions in this Ordinance.

7.2.2 Procedures for Discontinuance. Unless otherwise provided in this Ordinance, the District shall provide written notice of planned discontinuance or disconnection at least five (5) days in advance. In addition, the Placer County Health Department shall be advised of pending water shutoff. Notice shall not be required if a health and safety emergency necessitates immediate termination. In such event, the District shall provide whatever notice is practicable.

7.3 REQUEST TO TURN OFF OR TURN ON CUSTOMER'S SERVICES

In the event of an emergency, as determined by the District, the District will, upon request, turn off or turn on the customer's service. A temporary turn off shall not exempt the customer from paying any applicable minimum monthly charge for water service.

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7.4 TERMINATION/RECONNECTION OF SERVICES

Except as provided in Section 7.5, water service to an existing developed property may not be terminated. If all use for water service at the property ceases then a service may be terminated. Termination of service shall include the removal of the water meter and capping of the private service lateral. Any request to reconnect to the water system shall be processed as a new application for service.

7.5 OWNER REQUEST FOR DISCONNECTION OF SERVICES

Owners may request a temporary disconnection and reconnection of water service where service will be discontinued for at least ninety (90) days. In such cases, the District may require that the structure be physically disconnected from the water service. Any request to reconnect to the water system shall be processed as a reconnection and not a new application for service.

CHAPTER 8

WATER CONSERVATION

8.1 WATER CONSERVATION AND USE REQUIREMENTS

Customers shall not use water in a manner that is wasteful and without reasonable purpose. These requirements in this Chapter are to ensure the most efficient use of the water resources available to the District, and to enable the water system to be operated in the most cost-effective manner for the benefit of all the District customers.

8.2 WATER CONSERVATION ACTION STAGES

Stages of water conservation measures, use requirements, and restrictions are set forth in this Section. Increasing stages correspond with increasing levels of required water conservation, use, and restrictions as formally declared by the Board at a publicly noticed meeting.

The District shall operate in Water Conservation Stage 1 under normal conditions. The Board may declare other levels when conditions warrant.

Each increasing stage level also includes all conservation measures, use requirements, and restrictions of all previously declared lower level stages.

Customers shall meet the most current conservation stage declared by the District, or other government agencies, whichever is more restrictive.

8.2.1 Stage 1: 10% Reduction Goal.

(a) The customer shall maintain the private service lateral, from the water service connection, in good repair.

(b) Any leak or abnormal use in plumbing and/or irrigation systems, including running toilets, or any leak in any receptacle used to store water for any purpose, shall be

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repaired when found; in any case leak shall be repaired within ten (10) days of District notice to repair.

(c) Irrigation resulting in application of, or runoff onto, sidewalks, walkways, roadways, parking lots, structures, any non-irrigated area, or adjacent properties is prohibited.

(d) Any use of water which results in flooding or runoff into gutters, streets or onto adjacent property is prohibited.

(e) Automatic shutoff valves or nozzles shall be used whenever a hose is used for cleaning or clearing of vehicles, walkways, patios, tennis courts, decks, driveways, parking areas, or other improved areas, whether paved or unpaved.

(f) Automatic shutoff valves or nozzles shall be used whenever water is used in connection with construction activity.

(g) Decorative water features which do not recirculate water are prohibited.

(h) Written authorization from the District shall be obtained prior to use of any fire hydrant for any purpose other than fire suppression or emergency aid.

(i) Water pressure shall not exceed 60 psi within any structure.

(j) Irrigation systems shall be winterized and discontinued from operation by November 1st each year.

(k) Any new irrigation system installed shall be equipped with rain sensing device halting irrigation during and within 48 hours after measurable precipitation.

(l) New non-turf landscaping, including bedding plants and trees, shall be on drip, micro sprinkler, or micro sprayer irrigation systems. Overhead watering only allowed for turf areas.

(m) Landscaping may not be irrigated: (1) between the hours of 9:00 AM and 6:00 PM, (2) during, or within 48-hours after, measurable precipitation, and/or (3) when air temperature is less than 40 degrees Fahrenheit.

8.2.2 Stage 2: 20% Reduction Goal.

(a) Water consumption by each customer, as measured by the District's meter, shall be reduced by twenty percent (20%).

(b) No irrigation shall occur on Saturday.

(c) Properties with even number street address may only irrigate on Monday, Wednesday, and Friday.

(d) Properties with odd number street address may only irrigate on Tuesday, Thursday, and Sunday.

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(e) Irrigation of non-turf areas which exclusively utilizes drip systems, including micro sprinklers and micro sprayers, or a hose with an automatic shutoff nozzle, shall be exempt from designated irrigation days.

(f) Water shall not be applied to hard surfaces for any reason, except as required for pavement resurfacing or sealing, or health and safety reasons.

(g) Filling or refilling of swimming pools.

(h) Water consumption and allowed uses shall be reduced as specifically prescribed for individual customers based on historic: consumption, type of use, time of use, or any other relevant factors.

(i) All visitor accommodations businesses shall wash guest linens only upon request and/or after checking out. A placard or notice stating such shall be displayed in each guest room.

(j) All public entities shall display informational material, placards, and/or decals, provided by the District, in places visible to all customers.

(k) The owner and/or manager of each hotel, motel, restaurant, convention center, and other visitor-serving facility shall display informational water conservation materials, placards, and/or decals, provided by the District, in places visible to all customers.

8.2.3 Stage 3: 30% Reduction Goal.

(a) Water consumption by each customer, as measured by the District's meter, shall be reduced by thirty percent (30%).

(b) No irrigation shall occur on Saturday, Sunday, or Wednesday.

(c) Properties with even number street address may only irrigate on Monday and Thursday.

(d) Properties with odd number street address may only irrigate on Tuesday and Friday.

(e) Irrigation of non-turf areas which exclusively utilizes drip systems, including micro sprinklers and micro sprayers will be allowed only Monday through Friday and shall be prohibited on Saturdays and Sundays.

(f) All food service and drinking establishments shall serve drinking water only upon request and shall provide a placard at each table, and/or language on their menu, stating such.

(g) Other specific water reduction mandate, and/or use restrictions, as defined and designated by the Board when Stage 3 action is declared.

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8.2.4 Stage 4: 40% Reduction Goal.

- (a) Water consumption by each customer, as measured by the District's meter, shall be reduced by forty percent (40%).
- (b) The use of water for other than domestic and commercial non-irrigation use is prohibited.
- (c) Irrigation of landscaping of any type is prohibited, except that irrigation of public facilities may be permitted pursuant to review, conditioning, and approval by the District.
- (d) The application of water to hard surfaces is prohibited.
- (e) Use of decorative water features is prohibited.

8.2.5 Stage 5: 50% Reduction Goal.

- (a) Water consumption by each customer, as measured by the District's meter, shall be reduced by 50%.

8.2.6 Stage 6: Greater than 50% Reduction Goal.

The District may implement mandatory water rationing using rolling outages, or other methods, should the situation require. Affected customers will be notified via public outreach, local media, written notice posted at the property, mail, and/or personal contact.

CHAPTER 9

CONTROL OF BACKFLOW AND CROSS CONNECTIONS

9.1 GENERAL

No water service connection to any premises shall be installed or maintained by the District unless the public water supply is protected as required by State regulations and the requirements of this Ordinance.

9.2 DISTRICT RESPONSIBILITY

The District shall be responsible for the protection of the water system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the District, an approved backflow prevention assembly is required on the customer's water service connection for the safety of the water system, the District shall give notice in writing to the customer to install an approved backflow prevention assembly. District shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the proper, improper, or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any customer or any other person.

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9.3 CUSTOMER RESPONSIBILITY

It shall be the responsibility of each customer at their own expense to furnish, install, and keep in good working order and safe condition, any and all protective devices. Once notified of the need to install a backflow prevention assembly, the customer shall immediately install such approved assembly at the customer's own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintain the assembly shall constitute a ground for discontinuing water service to the premises until the requirements have been satisfactorily met.

Customer to maintain adequate heat source to backflow prevention assembly housing in order to prevent cold weather from affecting the operation of the assembly.

9.4 TESTING AND MAINTENANCE

Each backflow prevention assembly shall be tested annually to assure proper operation. In instances where a hazard is deemed great enough, testing may be required at more frequent intervals. The customer shall bear all costs of device testing. The cost of any maintenance required as a result of inspections or testing is the responsibility of the customer. Maintenance work shall be performed by the owner or the owner's representative. Records of inspections, testing or repairs shall be kept by the District and made available to the California Department of Health Services.

The District will notify the customer when tests are required and supply the necessary test forms and instructions. These forms will be completed by the certified backflow prevention tester and returned to the District by the date indicated. Testers shall be certified by the American Water Works Association, California-Nevada Section. Test procedures shall be those recommended by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

9.5 NON-COMPLIANCE

If, following an inspection and/or testing a device is found to be in non-compliance, the customer shall be notified and given fourteen (14) days to correct the deficiency after which time the inspection will be repeated.

The District shall cause discontinuance of water service if a backflow prevention device has failed to be tested properly or properly maintained or installed as required by the District.

CHAPTER 10

PRIVATE SERVICE LATERAL RELOCATIONS

10.1 GENERAL

The purpose of this Chapter is to establish regulations relative to the relocation of private service laterals to connect to relocated District water service mains.

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10.2 RELOCATION OF PRIVATE SERVICE LATERAL

When the District relocates water service mains with the intention of disconnecting service through the original existing service mains it shall be the responsibility of the owners of all properties which have service provided through the original existing service mains to relocate their private service laterals to accept service through the relocated service mains at their sole expense and pursuant to the relocation schedule established by the District pursuant to the provisions of this Chapter. The District shall install appropriate meters at the property line at no cost to the property owner.

10.3 NOTICE AND HEARING REGARDING RELOCATION SCHEDULE

The relocation schedule to establish the timing of installation of relocated service mains, the timing of construction of relocated private service laterals and the timing of disconnection of service through original existing service mains shall be set by the Board at a public hearing. All affected property owners shall be notified by personally mailed notice to the property owners' address in the District files at least fifteen (15) days prior to the date of the public hearing.

At the public hearing the Board shall establish a relocation period giving the affected property owners at least two building seasons (May 1 through October 15), but ending on September 1 of the last season, to construct and have inspected new private service laterals between the use served and their property line served by the relocated service main. The relocation period shall include the season during which the relocated service main is constructed.

10.4 CONTINUING NOTICE DURING RELOCATION PERIOD

Between May 1 and May 15 of each building season during the relocation period the District shall review the status of construction of new private service laterals and shall give further notice of the relocation schedule to all property owners who have not at that time constructed and had inspected new private service laterals between the use served and their property line served by the relocated service main. Notice shall be given by personal mail to the property owners' address in the District files.

10.5 DISCONTINUANCE OF SERVICE FOR FAILURE TO RELOCATE PRIVATELY OWNED SERVICE LATERAL

At the end of the relocation period all services which have not had relocated private service laterals constructed and inspected between the use served and their property line served by the relocated service main shall be subject to disconnection. Disconnection shall be made only after ninety (90) days prior notice given in the same manner as disconnection to non-residential customers for failure to pay District service charges. In the event of disconnection, reconnection shall be made only after the construction and inspection of a new private service lateral between the use served and the property line served by the relocated service main and payment of any applicable reconnection charges, including service charges for the period during which service was disconnected. In the event that reconnection is not made within a period of one year following disconnection, service charges shall cease and reconnection shall require payment of a full connection charge applicable to connection of a new use.

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10.6 APPEAL BASED UPON SPECIAL CIRCUMSTANCE

Any property owner may petition the Board for an extension of the relocation period based upon special circumstances, provided that such petition shall be made at least ninety (90) days prior to the end of the relocation period. The Board may grant such an extension, and may condition such an extension upon payment of the District's estimated cost of maintaining the service main which was to be abandoned during the extension period.

CHAPTER 11

VIOLATIONS

11.1 GENERAL

11.1.1 In the event of a violation of any applicable laws of the State of California, this Ordinance, or any other District rules and regulations, the General Manager or designee shall notify the person or persons causing, allowing or committing such violation, in writing, specifying the violation, or upon the failure of such person to cease or prevent further violation, within a reasonable time depending on the severity of the violation after service of notice in the same manner as administrative citations.

11.1.2 The General Manager shall exercise his/her authority to disconnect the property from the public water system. However, in the event such violation results in a public health or safety hazard, the District may enter upon the property and perform such work, and expend such sums, as may be deemed necessary to abate such nuisance, and the reasonable value of the work done and the amounts so expended thereon shall be a charge to the property in violation. Charges shall include any legal fees incurred by the District. The District shall obtain an abatement warrant as necessary prior to doing so.

11.2 PENALTY FOR NON-COMPLIANCE

11.2.1 Any violation of this Ordinance is declared unlawful and a misdemeanor, and shall be punishable by a fine not exceeding \$1,000.00.

11.2.2 Every day a violation of this Ordinance continues shall constitute a separate offense.

11.3 ADMINISTRATIVE CITATIONS

11.3.1 Authority.

(a) Any person violating any provision of this Ordinance may be issued an administrative citation by an enforcement officer as provided in this Section. Customers shall be responsible for all violations at their property.

(b) A civil fine shall be assessed by means of an administrative citation issued by the General Manager or designee. Fines shall be assessed in the amounts specified by

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resolution of the Board or where no amount is specified, those amounts set forth in Government Code section 36900.

11.3.2 Service. Administrative citations may be served personally or by mail. Service by mail shall be sent to the responsible person's address as shown on public records or as known to the District. If the administrative citation is sent by certified mail and returned unsigned, then service shall be deemed effective by first class mail, provided the administrative citation sent by the first class mail is not returned.

11.3.3 Contents of Notice. Each administrative citation shall contain the following information:

- (a) Date, approximate time and address or definite description of the location where the violation(s) was observed;
- (b) The Ordinance section(s) or condition(s) violated and a description of the violation(s);
- (c) A description of the action required to correct the violation(s);
- (d) An order to the responsible person to correct the violation(s) by a correction date and an explanation of the consequences of failure to correct the violation(s);
- (e) The amount of the fine for the violation(s);
- (f) An explanation of how the fine shall be paid, the deadline by which it shall be paid, and the place to which the fine shall be paid;
- (g) An order prohibiting the continuation or repeated occurrence of the Ordinance violation(s) described in the administrative citation;
- (h) Identification of rights of appeal, including the time within which the administrative citation may be contested and the place to obtain a notice of appeal and request for hearing form to contest the administrative citation; and
- (i) The name and signature of the enforcement officer and, if possible, the signature of the responsible person.

11.3.4 Satisfaction of Administrative Citation. Upon receipt of an administrative citation, the responsible person shall do the following:

- (a) Remedy the violation(s) if the violation(s) is of such a nature that it can be remedied. If a nonemergency health or safety violation(s) is corrected before the correction date provided on the administrative citation, no fine shall be imposed;
- (b) Pay the fine to the District within fifteen (15) calendar days from the correction date on the administrative citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the District.

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11.3.5 Appeal of Administrative Citation.

(a) Any recipient of an administrative citation may appeal an administrative citation under the procedures set forth in this Section. In addition, requests for an appeal of an administrative citation shall be submitted with an advance deposit of the fine or an advance deposit hardship waiver request.

(b) Appeals shall be heard by a hearing officer determined by the Board. The hearing officer shall establish rules for the conduct of such appeals but formal rules of evidence shall not apply. Hearings shall occur within sixty days of a valid appeal request unless otherwise agreed to by the District and appellant.

(c) The hearing officer's decision shall be in writing.

(i) If the hearing officer determines that the administrative citation should be upheld, then the District shall retain the fine amount on deposit with the District.

(ii) If the hearing officer determines that the administrative citation should be upheld, and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set a fine payment schedule for the payment of the fine.

(iii) If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the District, then the District shall promptly refund the amount of the deposited fine.

11.3.6 Advance Deposit Hardship Waiver. Any person who intends to request a hearing to contest an administrative citation and who is financially unable to make the advance deposit of the fine may file a request for an advance deposit hardship waiver.

(a) The request shall be filed with the Finance Department within five (5) days of the date of the issuance of the administrative citation.

(b) The requirement of depositing the full amount of the fine as described in Section 11.3.4 shall be stayed unless or until the Chief Financial Officer makes a determination not to issue the advance deposit hardship waiver.

(c) The Chief Financial Officer may waive the requirement for advance deposit only if the cited party submits to the Chief Financial Officer a declaration, under penalty of perjury, supported by evidence that shows to the Chief Financial Officer's reasonable satisfaction that such party is financially unable to deposit the total amount of the fine in advance of the hearing.

(d) If the Chief Financial Officer determines not to issue an advance deposit hardship waiver, the cited party shall remit the deposit to the District within five (5) days of the date of that decision or fifteen (15) days from the date of issuance of the administrative citation, whichever is later.

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(e) The Chief Financial Officer shall list his or her reasons for granting or not granting an advance deposit hardship waiver in writing and serve it on the cited party. The Chief Financial Officer's decision is final.

11.3.7 Right to Judicial Review. Any person aggrieved by a decision of a hearing officer may obtain review of the decision by filing a petition for review with the Placer County Superior Court in accordance with the timelines and provisions set forth in the Government Code and/or Code of Civil Procedure, as applicable.

CHAPTER 12

APPEALS

12.1 GENERAL

The many variables applicable to the provision of water service requires that appeals be accepted by the District. In the event a customer wishes to dispute the applicability of any section or challenge any staff decision under this Ordinance, he or she shall follow these procedures unless a specific procedure is provided.

12.2 APPEALS

Requests for an appeal shall be directed to the General Manager in writing. The General Manager shall perform such investigative work as deemed necessary and respond to the customer within fourteen (14) days. The response shall contain information obtained by the investigation and the decision of the General Manager.

12.2.1 Any person who is dissatisfied with a determination of the General Manager may, at any time within ten (10) days after such determination, appeal to the Board by giving written notice to the General Manager setting forth the determination with which the person is dissatisfied. The General Manager shall investigate and transmit to the Board a report upon the matter appealed. The Board shall cause written notice, as to the time and place fixed for hearing such appeal, to be given to all persons affected by such application at least ten (10) days prior to said appeal.

12.2.2 At the time and place ordered in the hearing, the Board shall consider the appeal. Except for appeals of corrective orders and suspension or termination of service, the appeal is an evaluative, and not an adversarial, process to determine the facts of the issue and the appropriate application of this Ordinance. The Board, appellant and General Manager may provide any information deemed relevant to the issue and the Board's consideration. The Board's decision at the conclusion of the hearing shall be final.

12.3 PAYMENT OF CHARGES PENDING APPEAL REFUNDS

For appeals related to the amount of charges, the appellant shall pay the disputed charges. After the appeal is heard the Board may order refunded to the person making the appeal such amount, if any, as the Board shall determine should be refunded.