

**Dry Creek Rancheria
Band of Pomo Indians**

Environmental Code

(Recodified as previously adopted by the Tribe 07/20/02)

TITLE 3. WATER SUPPLY SYSTEM ORDINANCE

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CHAPTER 1.

SECTION 1. Definitions

Interpretation of Definitions. For the purpose of this Ordinance the following words or phrases have the meaning set forth herein, unless the context indicates otherwise.

- (A) “Board” means the Board of Directors of the Dry Creek Rancheria Band of Pomo Indians.
- (B) “Commercial Services” means water services to multiple dwelling units or businesses engaged in the manufacture and/or sale of a commodity or commodities, or the rendering of a service, such as hotels, motels, and hospitals.
- (C) “Cross Connection” means any connection between any part of the Tribal water system used or intended to supply water for drinking purposes and any source or system containing water or any substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.
- (D) “Customer” means all persons obtaining water service from the Tribal water system of the Dry Creek Rancheria.
- (E) “Industrial Services” means water service connections to a business enterprise engaged in the manufacture of products, materials, equipment, machinery, and/or supplies on a substantial or major scale.
- (F) “Main” means a water line designed or used to serve more than one premises.
- (G) “Multiple Dwelling Units” means two or more residential units, including, but not limited to, duplexes, apartment buildings, condominiums, mobile home parks, and trailer courts.
- (H) “Person” means any natural person of either sex, association, firm, company, society, group, partnership, or corporation, whether acting by themselves or through a servant, agent or employee.
- (I) “Plant Operations” means the Plant Operations Division of the Department of Environmental Protection of the Dry Creek Rancheria Band of Pomo Indians.
- (J) “Premises” means a parcel of land and any buildings on the land, including a private home, apartment house, condominium, trailer court, mobile home park, or group of adjacent buildings under the control of one person with respect to use of and responsibility for payment of water provided by the Tribe to the parcel and any buildings thereon.
- (K) “Rancheria” means the site of the Dry Creek Rancheria.
- (L) “Residential Services” means a water service connection to a family dwelling unit.

(M) "Service Installation, Service Connection, or Connection" means all piping's and fittings from the main to the customer side of the water meter assembly.

(N) "System or Tribal Water System" means all water source and supply facilities, transmission pipelines, storage facilities, pumping plants, distribution mains and appurtenances, vehicles, and material storage facilities owned and operated by the Tribe.

(O) "Temporary Main Means" a main which does not conform to standards with respect to size, location, type of material, and/or method of installation.

(P) "Treasurer" means the Water Plant Operations Treasurer.

(Q) "Tribe" means the Dry Creek Rancheria Band of Pomo Indians.

(R) "Water Service Area" means that area within the boundary limits of the Dry Creek Rancheria plus those areas that have been or may be designated for water service by the Board.

SECTION 2. Purpose

The purpose of this Ordinance is to establish general rules and regulations for the provision of water service and extension of such water service from the Tribal water system and to promote the public health, safety, and general welfare of the users of the Tribal water system, in accordance with standards established by the Tribe and the Federal government.

SECTION 3. Applicability

The provisions of this Ordinance shall apply to all water services provided and work performed by the Tribe with respect to the provision of said water services.

SECTION 4. Inspections

(A) Authorized employees of Plant Operations, properly identified, shall have access, at reasonable hours of the day, to all parts of a premises or buildings to which water is supplied by Plant Operations, for the purpose of assuring conformity to this Ordinance.

(B) Whenever the customer of any premises to which the Tribe provides water service fails to allow authorized Plant Operations employees to make such necessary inspections, water service may be refused or discontinued.

SECTION 5. Unlawful acts defined

(A) Any person causing damage to any property belonging to the Tribe shall be liable to the Tribe for any and all damages resulting either directly or indirectly therefrom.

(B) It shall be unlawful for any person to willfully disturb, break, deface, damage, or trespass upon any property belonging to or connected with the Tribal water system, in any manner whatsoever.

(C) It shall be unlawful for any person to store, maintain or keep any goods, merchandise, materials, or rubbish within a distance of five (5) feet of, or to interfere with, the access or operation of any water meter, gate valve, fire hydrant, or other appurtenance in use on any water service, connection, water main, or fire protection service.

SECTION 6. Hydrant--Authorized Use

It shall be unlawful for any person, other than authorized employees of the Tribe, to operate fire hydrants, valves, and hose outlets, unless proper arrangements have been made for payment therefore and permission has been granted by Plant Operations.

SECTION 7. Emergency Interruption of Service

(A) In case of emergency, or whenever the public health, safety, or the equitable distribution of water so demands, Plant Operations may change, reduce, or limit the time for, or temporarily discontinue the use of water. Water service may be temporarily interrupted for the purposes of making repairs, extension or doing other necessary work.

(B) Before so changing, reducing, limiting, or interrupting the use of water, Plant Operations shall notify, insofar as practicable, all water consumers affected.

(C) The Tribe shall not be responsible for any damage resulting from interruption, change, or failure of the Tribal water system.

SECTION 8. Cross Connections Prohibited

(A) The installation or maintenance of a cross connection is prohibited.

(B) Any such cross connection now existing or hereafter installed is hereby declared a nuisance and shall be abated immediately.

(C) Water service will be discontinued to any premises upon failure to comply with the provisions of this section.

SECTION 9. Tribe Not Liable for Damages

The Tribe shall not be liable for damages in case the operation of the Tribe's source of water supply or means of distribution fails or is curtailed, suspended, interrupted, or interfered with, or for any cause. Such failure, curtailment, suspension, interruption, or interference shall not be held to constitute a breach of contract on the part of the Tribe,

or in any way affect any liability for payment for water made available or for money due on or before the date of such occurrence.

SECTION 10. Discontinuance of Service

(A) Plant Operations may discontinue service by reason of a failure to pay a bill for service or the failure to comply with the provisions of this Ordinance.

(B) Service to any premises upon which a private water supply system is used or operated contrary to the provisions of this Ordinance may be discontinued or refused.

(C) Prior to discontinuation of service, the Plant Operator shall hand deliver a Notice of Intent to Discontinue Service to the customer at the address on file with the Plant Operation's office. The customer shall have seventy-two (72) hours from the date of the Notice of Intent to Discontinue Service in which to comply with the Ordinance. If the customer fails to comply with the Ordinance within seventy-two (72) hours, the Plant Operations may discontinue water service to the premises.

SECTION 11. Administration

(A) Plant Operations may create such administrative policies and procedures for the efficient implementation of this Ordinance that are not inconsistent with its provisions in order to encourage and facilitate the use of water, pursuant to Board resolution approving the same.

(B) Plant Operations shall promulgate and enforce such customer service policies and related additional rules as may be deemed necessary from time to time to encourage and facilitate the use of water, pursuant to Board resolution approving the same.

SECTION 12. Application for Service

(A) An application shall be made for all service connections, the use of fire hydrants, and work to be performed by Plant Operations. Such application shall be on forms provided by Plant Operations.

(B) An application shall be accompanied by all fees or deposits required by this Ordinance or any regulations promulgated hereunder.

(C) An application shall provide all information required by this Ordinance, as well as all other information determined by Plant Operations to be necessary for consideration of the application for service. All applications shall be submitted to the Board for approval.

(D) The application, when approved by the Board, shall constitute an agreement whereby the applicant agrees to conform to the provisions of this Ordinance, as now enacted or hereafter amended and any regulations promulgated hereunder.

(E) A change of use of the served premises will require that a new application for service be made and approved by the Board as set forth above.

SECTION 13. Conditions Applicable to all Water Service Connections

(A) All service connections shall be metered.

(B) Each served premises must have a separate connection to a main, unless otherwise approved by Plant Operations when impossible or impractical.

(C) Water will not be provided to more than one customer or dwelling unit through a single service connection, and separate service applications are required for each dwelling unit. When two customers are being served by a single service connection on the effective date of this Ordinance, Plant Operations may require the installation of a new service, when necessary, for efficient operation of the system.

(D) When the premises for which service is sought does not abut a main with sufficient pressure and capacity to provide the required flow, the application for service shall be rejected.

(E) No application for water service shall be accepted or approved for locations outside of the Rancheria water service area.

(F) The furnishing of water by a customer to a premises other than the premises approved for services by the Board through the application process is prohibited, except during an emergency, provided that such emergency service cannot continue for more than thirty (30) days and an application for emergency service shall be made to Plant Operations within forty-eight (48) hours of the onset of the emergency.

(G) A request for a change in the size of service connection shall be treated as a request for a new service installation.

(H) A change of use of the served premises will require a new service connection, unless the existing service is adequate for the changed use, as determined by Plant Operations.

(I) All hose bibs shall have an anti-siphon device installed.

SECTION 14. Conditions Applicable to all Connections

(A) All water service connections shall be made by Plant Operations unless otherwise approved by the Board. Water service connections may be installed by a Board approved contractor during construction of water main extensions.

(B) When buildings are replaced by new buildings, the existing water service connection shall not be used if Plant Operations determines that such connection is not acceptable. In such instance, the customer shall be required to install a new water service connection, in accordance with the provisions of this Ordinance.

SECTION 15. New Residential Service Connection Fee

(A) The fee for new residential water service connections and inspections, up to and including the meter, shall be determined by the Board.

(B) This fee shall cover the cost of tapping the Tribe’s water main for the necessary size of service, providing and installing pipe saddle, installing the copper tubing, type “K” necessary to reach the meter box to be installed within the right-of-way, and providing and installing a yoke, shut-off meter, and meter box.

SECTION 16. Ownership of Permanent Facilities

(A) The ownership of all water mains, easements, and the water services from the main to the meter box in public rights-of-way shall be solely vested in the Tribe, except for those mains which are designated as private mains.

(B) The ownership of and responsibility for the maintenance of individual services from the meter to the premises served shall be that of the customer of the premises served, and the Tribe shall not be liable for any part thereof.

SECTION 17. Customer Service Piping Specifications

Plant Operations may require a customer to install a pressure reducing valve, backflow preventive device, pressure relief valve, or similar device at any location where Plant Operations determines a need to protect the water system. The customer shall have backflow prevention devices tested annually by a certified Backflow Assembly Tester. The certification results shall be submitted to Plant Operations. Failure to submit annual test results to the Plant Operations shall be grounds for discontinuing service.

SECTION 18. Lawn Sprinkler Specifications

(A) A lawn sprinkler system connected to a domestic or commercial connection shall be equipped with an approved backflow prevention device placed between the sprinkler stop and waste valve and the first sprinkler outlet. The stop and waste valve and approved backflow prevention device shall be in the sprinkler line after it branches from the water service pipe or the building plumbing.

(B) The stop and waste valve for a lawn sprinkler system shall be at the same depth as the water service pipe; however, the lawn sprinkler system proper may be laid to a lesser depth at the option of the customer.

(C) Such additional stop and waste valves, as are required to properly drain the sprinkler piping, shall also be installed.

(D) All backflow prevention devices shall be inspected and approved by an authorized Tribal employee prior to utilization of the system.

(E) Water service may be refused on existing lawn sprinkler systems which are not equipped with a stop and waste valve and an approved backflow prevention device.

SECTION 19. Turn On—New Installation

When new water service connections are installed by Plant Operations for any premises, the valve at the meter shall be turned to the “off” position and remain off until a “turn on” is applied for in writing by the customer and an order issued by the Board after inspection and approval by Plant Operations.

SECTION 20. Turn Off—No Charge

After written application or verbal request, any water service will be turned off without charge where such “turn off” can be accomplished at a time convenient to Plant Operations. Plant Operations’ monthly base service rate will remain in effect during the turn-off period.

SECTION 21. Turn On—Charge

(A) “Turn on” charges shall include expenses incurred in taking meter readings, administrative costs, accounting fees, data processing, and overhead charges incurred in transferring or establishing a new or existing account. The “turn on” fee shall be deemed fully earned if all or any part of the above activities are accomplished.

(B) “Turn on” charges shall not be prorated for services started during a billing period. These charges shall be \$25.00 and may be increased from time to time in order to cover the Tribe’s costs as described above.

(C) All unpaid water service charges and penalties shall be paid by the customer at the time of application for turn on, or an arrangement for payment satisfactory to Plant Operations shall be made before water is supplied to the premises.

SECTION 22. Turn On—Unauthorized

(A) It shall be a violation of this Ordinance for any person, except duly authorized employees of Plant Operations, to “turn on” the water supply to the premises after a “turn off” is made at the meter by Plant Operations.

(B) A water service to any premises turned on by an unauthorized person, after said water supply had been turned off by Plant Operations, may, upon discovery, be disconnected by Plant Operations from the water main in the street, and shall not be connected again until all fees due as a result of the disconnecting and reconnecting of such service are paid.

SECTION 23. Turn Off, Turn On—Liability Disclaimer

The Tribe shall not be liable for any damage to persons or property resulting from a properly performed and authorized “turn off” or “turn on” of the water service,

including, but not limited to, situations where water service is left on between a change of customers occupying the premises, at the request of one of the customers, or the services disconnected for “non-payment” or “no contract.”

SECTION 24. Disconnection of Service—Condemned Buildings

Whenever a premises supplied with water has been found by the Board to be dangerous to human life and/or unfit for human habitation, and notice of such findings has been provided to the customer, Plant Operations shall cause the water service to such premises to be turned off. Water service to such premises shall not be restored until the customer has secured a release or clearance from the Board indicating that the premises is safe and fit for human habitation.

SECTION 25. Shut Off for Non-Payment/Re-Instatement of Water Service

All charges for water service shall be payable to the Dry Creek Rancheria Plant Operations Division (“POD”) and shall be due on the tenth (10th) day of the month. If the payment is not received by the Plant Operations Division on or before the tenth day of the month in which the bill is due, water to the premises shall be turned off without notice. Water service shall not be re-instated to the premises until the customer pays all outstanding balances plus a re-instatement charge. Failure to receive a bill for water services shall not be an excuse for non-payment; if a customer does not receive a billing statement, it is the customer's obligation to contact the Plant Operations Division to determine the amount owing for that month and pays the bill as provided in this Section.

SECTION 26. Notice of Intent To Terminate Service

A customer must give one (1) week written notice to the Plant Operations Division of his or her intent to terminate water service to the premises. Water service to the premises can be resumed upon payment of a turn-on charge.

SECTION 27. Meters—Customers and Installation

All meters installed on water service connections shall be and remain on the property of the Tribe and shall be removed only by authorized Tribal employees.

SECTION 28. Meters—Exchange and Reinstallation

(A) Whenever a customer desires to change the size of a meter, an application shall be made to Plant Operations, and, upon approval, the exchange will be made at the expense of the customer, less credit for the usable value of the meter removed.

(B) Overload Meters. Whenever demand periodically exceeds the rated capacity of a meter to the extent that the meter may be damaged, Plant Operations shall so notify the customer. After evaluating the customer’s requirements, Plant Operations shall advise the customer what size meter is necessary to give proper service without

damage to the meter. Plant Operations shall provide the customer with an estimate of the cost of such change upon request of the customer, without charge. If the customer does not make the required deposit for the installation of the larger meter within thirty (30) days after the date of the notice, then Plant Operations may either install the proper size meter and charge the cost for such replacement to the customer or discontinue service.

SECTION 29. Meters—Maintenance and Repair

(A) Plant Operations shall maintain and repair all service meters and shall replace meters periodically, when necessary, if rendered unserviceable by ordinary use.

(B) When replacement or repairs to any meter are made necessary by a willful act, an act of negligence or carelessness on the part of the customer, all expenses for such replacement shall be borne by the customer.

SECTION 30. Meters—Tests and Adjustment of Bill

(A) Upon request from a customer, based upon a complaint that the water bill for any period has been excessive, Plant Operations shall re-read the meter.

(B) If the customer requests that the meter be tested for accuracy, the customer shall deposit a service fee in an amount prescribed by Plant Operations to cover the cost of testing the meter. If the test discloses an error of more than three percent (3%) in favor of Plant Operations, the deposit shall be refunded to the customer, a correct registering meter shall be installed and the customer’s account shall be credited with the excess consumption over the average consumption for the last previous reading, unless otherwise approved by Plant Operations. If the test discloses either no error or an error of three percent (3%) or less, the amount deposited will be retained by Plant Operations to cover the costs of such test.

SECTION 31. Monthly Water Service Rates

Monthly water service rates shall be charged to all users of the Tribal water system.

SECTION 32. Service Rates

(A) The monthly rates for buildings to which water service is available shall commence sixty (60) days after such water service becomes available and final notice of such availability is given to the customer of record, or upon connection to such water facilities, whichever occurs first.

(B) After water services have been shut off because of a delinquency in paying utility charges, service shall not be resumed until all charges, penalties, and service fees have been paid. Service fees shall include a fee for each service trip which has been made to the premises relative to the delinquent charges at rate established by resolution of the Board.

(C) If a trip is made by service personnel to the premises of a customer for the purpose of shutting off services due to delinquency, and the customer wishes to pay the delinquent bill and delinquency penalty at that time, a service fee for said trip at rates established by resolution of the Board shall be assessed. If the delinquent charges, penalty and such service fee are paid at the time, the water service shall not be discontinued.

(D) Each single-family residence, multi-family dwelling unit, and commercial unit shall be charged a monthly service fee at a rate established by resolution of the Board.

SECTION 33. Service Trip Charge

Whenever Plant Operations responds to a request outside of regular working hours for assistance to investigate a deficiency in water service to any premises and it is determined that the deficiency is the result of improper operation or maintenance of the customer's plumbing, a charge of \$35.00 will be made to defray a portion of the cost of responding to the request. The \$35.00 charge may be increased from time to time as necessary.

SECTION 34. Violation—Penalty

Violation of any portion of this Ordinance is a misdemeanor and is subject to a penalty of not more than \$500.00 plus costs incurred by the Tribe relative to any violation or as otherwise provided in this Ordinance.