

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ ESTABLISHING RULES AND REGULATIONS FOR OPERATION OF THE MUNICIPAL WATER SYSTEM AND ESTABLISHING RATES FOR WATER SERVICE, AND REPEALING RESOLUTION NO. 77004

WHEREAS, the current rules and regulations applicable to water service provided by the Municipal Water System were revised in 2014 by San José City Council Resolution No. 77004, and need to be revised in order to reflect current practices and to ensure that operation of the San José Municipal Water System meets current public health standards and State legal requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

SECTION 1. The following rules and regulations are hereby adopted with respect to water service provided by the San José Municipal Water System:

RULES AND REGULATIONS

PART 1. SERVICE AREAS AND ADMINISTRATIVE POLICIES

Section 1.1 Applicability. These rules and regulations and rate schedule shall be applicable to water service provided by the San José Municipal Water System through service connections to premises within the service areas of the San José Municipal Water System as said service areas are defined in Part 2 of Chapter 15.08 of the San José Municipal Code.

Section 1.2 Administrative Policy. **The City Manager is authorized to adopt and implement written administrative policies further describing the procedures related to**

water services including notification, disconnection, payment schedules, appellate processes to dispute billings, and alternatives to discontinuation of service.

PART 2. DEFINITIONS

Section 2.1 Definitions. Unless the context otherwise requires, the definitions contained in Part 1 of Chapter 15.08 of Title 15 of the San José Municipal Code, commencing with Section 15.08.010, and the following words and phrases having the following meanings, shall govern the construction of this resolution:

Section 2.2 Rules. Means the provisions of this resolution and any amendments thereto, and the provisions of Chapter 15.08 of the San José Municipal Code and any amendments thereto.

Section 2.25: Administrative Policy. Means the policy regarding water services including discontinuation of residential services, billing, appeals, and alternative payments as approved by the City Manager.

Section 2.3 Domestic Service. Means provision of water for household purposes, including water used on the premises for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.

Section 2.4 SJMWS. Means the San José Municipal Water System.

Section 2.5 USC FCCHR. Means the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.

PART 3. APPLICATION FOR SERVICE

Section 3.1 Application for Service. Each applicant for water service may be required to sign, on a form provided by the City, an application which sets forth:

- a. Date and place of application;
- b. Location and description of premises to be served;
- c. Date applicant will be ready for service;
- d. Whether the premises have been heretofore supplied with water by the City;
- e. Purpose for which service is to be used;
- f. Address to which bills are to be mailed or delivered;
- g. Whether applicant is owner or tenant of, or agent for the premises; and
- h. Such other information as the City may reasonably require.

The application is merely a request for service and does not bind the applicant to take service for a period of time longer than that upon which the flat rate charge, minimum charge, or readiness-to-service charge of the applicable rate schedule is based; neither does it bind the City to serve.

Section 3.2 Individual Liability for Joint Services. Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

Section 3.3 Service to Multiple Units on Same Premises. The applicant(s) for service to separate buildings or living or business quarters on the same or adjoining premises which are served through a single service connection shall be jointly and severally liable for all charges for such service.

Section 3.4 Change in Customer's Equipment or Operations. A customer making any material change in the size, character, premises use, or extent of the equipment or

operations for which the service connection is utilized shall immediately give the City written notice of the extent and nature of the change.

PART 4.——CUSTOMER BALANCES ESTABLISHMENT OF CREDIT

Section 4 Customer Deposits or Balances Establishment of Credit.

~~A.——The Administrative Policy shall establish rules for payment, deposits, and the establishment of water service when a customer’s services have been previously discontinued for nonpayment of bills, when the customer has unpaid balances for prior water services, and when other circumstances require deposits or payments before the connection of services. An applicant who previously has been a customer of SJMWS and during the last 12 months of that prior service has had service discontinued for nonpayment of bills will be required to pay any unpaid balance due the City for the prior service before establishing new service.~~

~~B. A customer whose service has been discontinued for nonpayment of bills will be required to pay any unpaid balance due the City for the premises for which service is to be restored.~~

PART 5. NOTICE

Section 5.1 Notice to Customer.

A. Notice to customer will normally be in writing and will be delivered or mailed to the customer’s last known address and as set forth in the Administrative Policy. †

B. In emergencies or when circumstances warrant, the City, where feasible, will endeavor to promptly notify the customer affected and may make notification orally, either in person or by telephone. Written confirmation of the notice shall be made as soon thereafter as practical, delivered, or mailed to the customer’s last known address or electronically, if possible.

C. Customer shall promptly relay information provided by the City regarding any ~~Notice of any~~ substantial change in service, such as ~~pending discontinuation or~~ sustained outage of service, ~~shall also be given~~ to all tenants or occupants of a customer who may be affected by the change in service.

C.D. Notice of disconnection services shall be provided as set forth in the Administrative Policy.

Section 5.2 Notice from Customers. A customer may make notification regarding water service in person or by letter to the Deputy Director, Division Manager, Environmental Services Department, Municipal Water System, 3025 Tuers Road, San José, California 95121, or in person, or by telephone to the City's Customer Contact Center, 200 E. Santa Clara Street, San José, California 95113, (408) 535-3500.

PART 6. RENDERING AND PAYMENT OF BILLS

Section 6.1 Rendering of Bills. Bills for service will be rendered to each customer on a monthly or bimonthly basis, unless otherwise provided in ~~the~~ Council-adopted rate schedules.

A. Metered Service.

- (1) Meters will be read at regular intervals for the preparation of periodic bills and as required for the preparation of opening bills, closing bills and special bills.
- (2) The opening and closing bills for readiness to serve charge will be prorated for the service.
- (3) It may not always be practicable to read meters at intervals which will result in billing periods of equal number of days.
 - (a) Should a monthly billing period contain less than 27 days or more than 35 days, a prorate correction in the readiness to serve charge in the amount of the bill will be made.

- (b) Should a bimonthly billing period contain less than 55 or more than 65 days, a prorate correction in the readiness to serve charge in the amount of the bill will be made.
 - (c) For billing periods other than monthly or bimonthly, adjustments will be made to the readiness to serve charge proportionate to that for a monthly billing period.
- (4) Bills for metered service will show the beginning and ending meter read for the period for which the bill is rendered, the number and kinds of units used, and date of the current meter reading.
- ~~(5) Each meter on a customer's premises will be considered separately and the readings of two or more meters will not be combined except where combination of meter readings is specifically provided for in the applicable rate schedule, or where operating convenience of SJMWS or necessity may require the use of more than one meter or a battery of meters. In the latter case, the monthly minimum or readiness to serve charge will be prorated from the monthly minimum or readiness to serve charges of the applicable rate schedule upon the basis of a meter size equivalent in diameter to the total combined discharge areas of such meters.~~
- ~~(6)~~(5) Bills may be rendered based on estimated meter read where it is not practicable to read the meter, e.g. where the meter is inaccessible. In the case of a billing based on as estimated meter read, the billing will be corrected to reflect the actual meter read in the next billing cycle during which an actual meter read is available.

B. Flat Rate Service.

- ~~(1) Bills for flat rate service are payable in advance.~~
- ~~(2) The opening and closing bills for flat rate service will be prorated the established monthly charge for the service.~~

~~(3) For billing periods other than monthly, the charge for flat rate service will be computed by multiplying the monthly charge by the number of months in the billing period.~~

Section 6.2 Payment of Bills. Bills for service are due and payable upon presentation as more fully described in the Administrative Policy; payments shall be made to the City of San José. Collection of closing bills may be made at the time of presentation.

~~Section 6.3 Bill for Service. On each bill for service will be printed substantially the following language:~~

~~“This bill is due and payable upon presentation. If full payment is not received within 25 days (residential bills)/45 days (all other bills) after the billing date, the customer will be assessed a late charge in the amount of \$7.00 or 7% of the bill, whichever is greater. If not paid within 25 days (residential bills)/45 days (all other bills) from date of billing, service may be discontinued. A late fee and a reconnection charge will be required to re-establish service. Should the amount of this bill be questioned, customer may dispute the bill by providing written notice to the City. If written notice is provided within fifteen (15) days of the date of billing, no discontinuance of service will occur for nonpayment during the pendency of the billing dispute. If written notice of dispute is provided to the City more than fifteen (15) days after the date of the bill, customer shall deposit with the City of San José the amount of the bill to avoid discontinuance of service. Any written bill dispute shall include a copy of the bill and a statement setting forth the basis for the dispute of the amount of the bill. The Director of Finance will review the basis of the billed amount and disburse the deposit in accordance with his/her findings.”~~

Section 6.34 Collection of Receipts. The Finance Department shall collect all receipts.

PART 7. DISPUTED BILLS

~~Section 7.1 The Administrative Policy shall include plans for deferred or reduced payments, alternative payment schedules, the procedure for contesting or disputing a bill, disconnection or reconnection of services, and telephone and contact information for customers to discuss options for averting the discontinuation of residential service for non-payment. Correctness of Bill. Should the amount of the bill for service be questioned, an explanation should be promptly requested from the Director of Finance.~~

~~Section 7.2 Notice of Deposit to Avoid Discontinuance. If the bill is not paid within 25 days (residential bills)/45 days (all other bills) from date of billing, the customer will be notified in writing of the amount in arrears and:~~

~~A. To avoid discontinuance of service, in lieu of paying the bill in question, the customer may deposit with the City of San José, the amount of the bill plus the late charge applicable thereto.~~

~~B. The remittance for this purpose shall be made payable to the "City of San José" and shall be accompanied with the bill in question and a statement setting forth the basis for the dispute of the amount of the bill.~~

~~C. Upon receipt of the deposit, the bill and the customer's statement of the dispute, the Director of Finance will review the basis for the billed amount and disburse the deposit in accordance with his/her findings.~~

~~D. Service will not be discontinued for which any such deposit has been made pending the outcome of the review by the Director of Finance.~~

~~E. If additional bills become due which the customer wishes to dispute before the completion of such review by the Director of Finance, the customer shall likewise deposit with the City of San José the additional amounts claimed to be due for such additional bills.~~

~~Section 7.3 Failure to Make Deposit. Failure of the customer to deposit the amount of any bill in question within five (5) days after the date upon which the notice herein is given by the Director of Environmental Services will warrant discontinuance of service without further notice.~~

~~Section 7.4 Notice to Tenants. Where residential property is tenant occupied and the tenant(s) is/are not the customer(s) of record, notice of termination for nonpayment will be provided by the City in accordance with Public Utilities Code Section 10001 et seq.~~

PART 8. DISCONTINUANCE AND RESTORATION OF SERVICE

Section 8.1 Customer's Request for Discontinuance of Service.

A. A customer may have service discontinued by giving not less than one (1) full regular City working day advance notice thereof to the City Director of Environmental Services/Municipal Water Division. Charges for service may be required to be paid up to the requested date of discontinuance or such later date as will provide not less than the required regular City working day advance notice.

B. When such notice is not given, the customer will be required to pay for service as long as the service is in their name as well as other charges for expenses incurred by the City as a result of the customer's failure to provide such notice including the "Charges for Turn-On/Off of Service" as set forth in this Resolution or in the currently applicable City Council resolution establishing fees and charges, whichever is greater.

Section 8.2 Discontinuance of Service by the City.

A. For Nonpayment of Bills. The Administrative Policy shall describe the circumstances and methods for discontinuation of a ~~A customer's service may be discontinued for nonpayment of a bill for service furnished if the bill is not paid within 25 days (residential bills)/45 days (all other bills) from date of billing, provided the Director of Finance has given the customer at least ten (10) days prior written notice of such intention. Prior written notice will be considered to have been given when the City has given the notice described in Section 7.2 of Part 7, and any required notice has been given to tenant(s). Residential service shall not be terminated for nonpayment in any of the following situations:~~

~~(1) During the pendency of an investigation by SJMWS of a customer dispute or complaint.~~

~~(2) When a customer has been granted an extension of the period for payment of a bill.~~

~~(3) On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with SJMWS.~~

~~(4) If a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupant or the public.~~

B. For Noncompliance with Rules. The City may discontinue service to any customer for violation of Rules after it has given the customer at least five days written notice of such intention. Where safety of water supply is or may be endangered, services may be discontinued immediately.

C. For Wasting Water. Where negligent or wasteful use of water exists on a customer's premises, the City may discontinue the service if such practices are not remedied immediately after the City has given the customer written notice to such effect.

D. For Unsafe Apparatus or Where Service is Detrimental or Damaging to the Municipal Water System or Its Customers. If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental to damaging to SJMWS or its customers, the service may be immediately discontinued. The City will notify the customer as soon as practical of the reasons for the discontinuance of services and the corrective action to be taken by the customer before service can be restored.

E. For Fraudulent Use of Service. When the City has discovered that a customer has obtained service by fraudulent means, or has diverted the water service for unauthorized use, the service to that customer may be immediately discontinued. The City will not restore service to such customer until that customer has complied with

all established rules and reasonable requirements and the City has been reimbursed for the full amount of the service rendered and the actual cost incurred by reason of the fraudulent use.

F. Repair Charges for Customer's Unauthorized Use of Discontinued Service. In the instance when SJMWS has discontinued service, and a customer then obtains or unsuccessfully attempts to obtain service, which results in damage to City water equipment, the Director of Environmental Services or the Director of Finance shall issue an invoice or bill said customer or property owner for, ~~itemizing~~ the labor and equipment costs of repair.

The City will not restore service to such customer until said customer has complied with all established rules and reasonable requirements and the City has been reimbursed for the full invoiced or billed amount for repair charges.

Section 8.3 Restoration of Service.

A. Reconnection Charge. Where service has been discontinued for violation of these rules or for nonpayment of bills, the customer will be charged for reconnection of service as specified in Part 16 "Charges for Turn-on/Turn-Off -of Service" and as described in the Administrative Policy.

B. ReeConnection During Regular Working Hours. The City will endeavor to make service connections or reconnections on the same day when the request is made before 3pm on a working day if conditions permit, otherwise ~~they reconnections~~ will be made on the regular working day following the day the request is made.

C. ReeConnections at Other Than Regular Working Hours. When a customer has requested that a connection or the reconnection be made on a non-working day or after 3pm on a working day, the City will reasonably endeavor to so make the reconnection if practicable under the circumstances, but will be under no obligation to do so.

Section 8.4 Refusal to Serve.

- A. Conditions for Refusal. The Environmental Services Department may refuse to serve an applicant for service under the following conditions:
- (1) If the applicant fails to comply with any of the rules as established by the City of San José.
 - (2) If the intended use of the service is of such a nature that it will be detrimental or injurious to existing customers.
 - (3) If, in the judgment of the Environmental Services Department, the applicant's installation for utilizing the service is unsafe or hazardous or of such nature that satisfactory service cannot be rendered.
 - (4) Where service has been discontinued for fraudulent use, the Department of Environmental Services will not serve an applicant until the Department has determined that all conditions of fraudulent use or practice have been corrected.

PART 9. INFORMATION AVAILABLE TO PUBLIC

Section 9.1 General Information. There will be maintained for public inspection at the ~~City of the Director of Environmental Services, City of San José,~~ pertinent information regarding the service rendered, including the following:

- A. Characteristics of Water. A description in writing of the kind of water to be furnished, whether filtered or unfiltered and whether treated or untreated, and the extent thereof.
- B. Rates and Rules. A copy of this resolution; a copy of Chapter 15.08 of Title 15 of the San José Municipal Code; and service area maps and applications applicable to the territory served, as such documents now exist or as they may be amended.
- C. Reading Meters. Information about method of reading meters.
- D. Bill Analysis. A statement of the most recent past readings of the meter or meters serving a customer's own premises for a period of two (2) years.

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Section 9.2 New or Revised Rates. Should new or revised rates be adopted, the city will notify all customers affected of the establishment and adoption of the rates.

PART 10. CUSTOMERS FACILITIES

Section 10 Cross Connections.

A. Any actual or potential unprotected connection or structural arrangement between the potable water supply system of SJMWS and that of any other piping or distribution system containing liquid, gas, or other substances, will not be permitted except in compliance with the regulations ~~of the State Department of Public Health~~ contained in Titles 17 and 22 of the California Code of Regulations and any other applicable regulation, ordinance, or law. ~~under "Drinking Water Supplies".~~

B. Protective Devices Required. The City has the right to inspect property and private water systems s to evaluate hazards to the public water supply. The customer shall provide the City with safe access to entire water system and all areas where water is used or as necessary to evaluate hazards or potential hazards to the public water supply or system. The customer shall provide all information requested by the City regarding in regards to the water systems and potential hazards to the water supply. The installation of approved backflow protection devices of required type at the point of connection are will be required if determined by SJWMS or if any of the following hazard criteria applies to the premise(s) of a water user, ~~or as otherwise determined by SJMWS:~~

- (1) Auxiliary Water Supplies not approved by the State Water Resources Control Board Department of Public Health
- (2) Fire Protection Systems
- (3) Marina or port facilities
- ~~(4)~~ Premises with multiple service connections to SJMWSS
- ~~(4)~~
- ~~(5)~~ Recycled Water
- ~~(5)~~
- ~~(6)~~ Any onsite water reuse system that produces, collects or distributes any non-potable or other alternative supply. ~~Graywater (see graywater~~

~~definition in Section 14876 of the California Water Code) system that produces, or collects and distributes, graywater~~

(6)

- (7) Sewage and Hazardous or Potentially Hazardous Substances
 - a. Waste water treatment processes, handling ~~and/or~~ pumping equipment interconnected to a piping system connected to SJMWS
 - b. Waste water treatment processes, handling ~~and/or~~ pumping equipment not interconnected to a piping system connected to SJMWS
 - c. Premises handling a substance in any manner in which the substance may enter a piping system connected to SJMWS
 - d. Recreational vehicle dump station that is not interconnected to a piping system connected to the SJMWS
 - e. Piped irrigation system interconnected to a piping system connected to the SJMWS, into which fertilizers, herbicides, or pesticides are, or are intended to be, injected into the irrigation water
 - f. Piping system conveying a fluid not from an approved water supply
- (8) Irrigation system interconnected to a piping system connected to SJMWS
- (9) Water storage facility not under control of SJMWS
- (10) Internal cross-connections that are not abated to the satisfaction of SJMWS
- (11) Where cross-connections ~~could potentially are likely to~~ occur ~~or and~~ entry is restricted so that cross-connection inspections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist
- (12) Where repeated history of cross-connections being established or re-established

C. Type and Expense of Protective Devices. Any backflow protective device utilized shall be of the type and design specified and approved for the circumstances by the Director of Environmental Services and the State ~~Department~~ Water Resources Control Board, of Public Health, and such device shall be installed, owned, and

maintained by and at the expense of the customer, in a manner approved by the Director of Environmental Services and the public health agency having jurisdiction when so required. Each air-gap separation shall meet the applicable Uniform Plumbing Code requirements. ~~All other protective devices, including Each installed pressure vacuum breaker,~~ double check valves, and reduced pressure principle backflow prevention assemblies, shall meet the applicable American Water Works Association Standards. Each ~~device assembly~~ shall be approved through laboratory and field evaluation tests performed by USC FCCCHR.

D. Installation Requirements. Approved backflow protective devices shall be installed in a location readily available for periodic inspection, at the point of connection, unless otherwise approved by SJMWS

E. Periodic Inspection of Protective Devices. Whenever backflow protective devices are installed, the customer shall have and pay for competent inspections and tests made thereof at least once each calendar a-year, or more often in those instances where successive inspections indicate repeated failure thereof or where determined necessary by SJMWS. The customer shall further comply with any testing and inspection schedule established by SJMWS for such devices. ~~will notify the customer of when the inspection and testing is required.~~

(1) Customer ~~Whenever they are found to be defective, these~~ devices shall be repaired per USC FCCCHR and manufacturer specifications, overhauled or replaced at the expense of the customer within 30 days after they are found to be defective or as stipulated within the California Code of Regulations, whichever is sooner.

(2) Replacement assemblies shall be upgraded to meet current state standards and SJMWS requirements. Records of such tests, repairs, and overhaul shall be kept for ten years and made available to the City and its authorized representatives and the public health agency having jurisdiction.

(3) Customer or customer's agent may request City assistance outside of regular working hours to turn on or off a service line or meter for the purposes of onsite work including repair or replacement of an assembly. Such assistance

is provided at the City's sole discretion and subject to staff availability. Customer shall pay all associated City fees, costs, and expenses for such assistance.

F. Refusal to Serve or Discontinuance of Service for Failure to Install and/or Maintain Protective Devices. The City shall determine the level of proper backflow protection required, including upgrades needed ~~on~~ to existing backflow protection. The City may refuse or discontinue service until an approved device of the required type ~~there~~ has been installed and maintained on the customer's piping ~~approved devices of the required type~~ to protect against backflow of water from the customer's premises into SJMWS.

PART 11. MEASUREMENT OF SERVICE

Section 11.1 Method of Measuring Service.

A. Metering. All water sold by the City will be upon the basis of metered volume sales, except water used only for public and private fire protection service and where meter reading is impracticable, accordance with the Rules and Regulations established by this Resolution.

B. Registration of Meters. All meters used for metered sales shall have registration devices indicating the volume of water in cubic feet. Where a constant or multiplier is necessary to convert the meter reading to cubic feet, the constant will be indicated on the meter or on the meter reading sheet.

Section 11.2 Accuracy Requirements of Water Meters. All meters used for measuring quantities of water delivered to customers will be in good mechanical condition, will be adequate in size and design for the type of service which each measure, and will be accurate to within generally accepted standards.

PART 12. METER TESTS AND ADJUSTMENT OF BILLS FOR METER ERROR

Section 12.1 Tests at Customer Request.

A. **Compliance by Environmental Services Department.** The Environmental Services Department will, within a reasonable time after request by a customer, proceed to test the meter serving the customer's premises. Such test of meters will consist of an acceptable method of verifying the accuracy of the meter.

B. **Charge for Test.** No charge will be made for the test of a meter made at the request of a customer, except where a customer requests a test within six months after installation of the meter or more often than one a calendar year, in which case the customer shall be required to pay to City a fee as set forth in the currently applicable City Council resolution establishing fees and charges, or as follows, whichever is greater:

<u>Size of Meter</u>	<u>Amount</u>
One and a half inch (1-1/2) or smaller	\$114.00
Larger than two (2) inch	\$244.00

C. **Test Procedure.** Every meter tested at the request of a customer will be tested in the condition as found in the customer's service prior to any alteration or adjustment in order to determine the average meter error. The average meter error will be considered to be the algebraic average of the errors of the three highest test flows.

D. **Return of Meter Test Fee.** Any payment made under subdivision B above will be returned to the customer if the average meter error is found to be more than 2% fast. ~~The customer will be notified not less than five days in advance of the time and place of the test.~~

E. **Report of Test to Customer.** A report showing the results of the test will be furnished to the customer within 15 days after the completion of the test.

Section 12.2 Adjustment of Bills for Meter Error.

A. Fast Meters. When, upon testing, a meter is found to be registering more than 2% fast, the City will refund to the customer the amount of the overcharge based on corrected meter readings for the period the meter was in use, but not to exceed a period of six (6) months or a period as allowable under the California Code of Civil Procedure, whichever is greater.

B. Slow Meters. When, upon testing, a meter is found to be registering more than 2.5% slow, the City may bill the customer for the amount of the undercharge based upon corrected meter readings for the period the meter was in service, but not to exceed a period of four (4) months or a period as allowable under the California Code of Civil Procedure, whichever is greater.

C. Nonregistering Meters. The City may bill the customer for water consumed while the meter was nonregistering, but not to exceed a period of four (4) months or a period as allowable under the California Code of Civil Procedure, whichever is greater, at the minimum ~~monthly meter meter~~ flow rate, or upon an estimate of the consumption based upon the customer's prior use during the same season of prior years, or upon an estimate based upon a reasonable comparison with the use of other customers during the same period receiving the same class of service under similar circumstances and conditions.

D. General. When it is found that the error in a meter is due to a cause, the date of which can be fixed, the overcharge or the undercharge will be computed back to but not beyond such date, irrespective of the "not to exceed period of" set forth in paragraphs A, B and C above.

PART 13. RESALE OF WATER

Section 13 Resale of Water. Except by special written agreement with the City, no customer shall resell any of the water received from the City nor shall such water be delivered to premises other than those specified in such customer's application for service.

PART 14. RATES FOR PUBLIC FIRE HYDRANT AND PERMITS FOR USE OF WATER FOR OTHER THAN FIRE PROTECTION PURPOSES

Section 14 Permit to Use Water from Public Fire Hydrants for Other than Fire Protection Purposes.

A. Application for Permit. Any person desiring to use water from an existing public fire hydrant connected to the ~~water system Municipal Water System~~ for the purpose of spraying, jetting, or dust settling, or for any other non-fire protection purpose, shall obtain a temporary water permit for such use by making application therefor to the Director of Public Works. Such application shall contain the following information:

- a. Name of applicant;
- b. Nature of proposed use of water;
- c. Location at which water is to be used;
- d. Estimated length of time meter will be retained.

Upon receipt of such application, the Director of Public Works may issue a temporary permit to the applicant to extract water from a public fire hydrant.

B. Denial or Revocation. The Director of Public Works shall have the right to refuse issuance of such permit ~~and the Director of Public Works or the Director of Environmental Services shall have the right to~~ ~~or~~ revoke any permit issued when the taking of such water would result or does result in surging or pressure problems, for violation of these rules, or for any other cause.

C. Issuance of Equipment; Manner of Extracting Water; Water Meters Generally. After obtaining such permit and prior to extracting any water from a public fire hydrant, the applicant shall report to SJMWS office at 3025 Tuers Road, where the applicant will be issued an appropriate water meter ~~with hose adapter~~ for connection to the ~~SJMWS Municipal Water System~~ fire hydrants following payment of a deposit by the applicant. Deposits shall be made in the amount of \$100 for a ¾-inch temporary meter and \$800 for a 3-inch temporary meter, or as otherwise noted in the City of San José “Fees and Charges” schedule. All water used by the applicant must

pass through the water meter. Water meters shall be removed and disconnected from the fire hydrant immediately after each use thereof.

~~SJMWS field personnel shall designate the hydrant to be used and shall demonstrate the proper method of attaching and removing meters.~~ Only spanner wrenches shall be used to operate the valve of a public fire hydrant.

D. Reading of Water Meters and Rendering of Accounts; ~~Water Drawn for Use Outside City.~~ Monthly, between the 12th and by the 15th day of each month following the issuance of said permit, the applicant shall, unless other arrangements are made with the Director of Environmental Services, report the current meter read to SJMWS for billing purposes. Accounts whose meter reads are not provided during this period shall be billed a non-refundable consumption charge of 100 HCF for that month, and this amount is not applicable as payment toward water used and reported at a later date. Accounts shall be billed monthly for the service charge and the quantity of water used at the rates established therefor by the City, using the appropriate Schedule ~~A, B, or C of Part 15, 16, 17, or 18~~ as determined by water service area and by zone of delivery.

E. Return of Equipment to City; Final Billing, etc. When the applicant has completed permitted use, or if the permit is revoked, or when the meter has been unused for a period of six months as determined by the reported meter reads, the water meter and other equipment shall be immediately returned to SJMWS office and checked in. The deposit, less the cost of any damage to the meter or hydrant that was used and less the final billing on water usage, shall be returned to the permittee within thirty days after the check-in date.

F. Additional Penalty for Violation of Rules and Regulations. Any person violating any provision of this Section may be required to pay two times the rate for the water taken, based on an estimate of the quantity of water taken. Such estimate shall be made by the Director of Environmental Services.

G. No Violation of Chapter 15.10 of Municipal Code Permitted. No permit issued under this resolution shall permit or excuse any violation of Chapter 15.10 of the San José Municipal Code.

PART 15. RATES FOR PRIVATE FIRE PROTECTION SERVICE

Section 15 The following rates shall be applicable to a private fire protection service ~~to~~ which: no connections for other than fire protection purposes are allowed; are regularly inspected by the underwriters having jurisdiction; are installed according to specifications approved by the City Department; and are maintained to the satisfaction of the City, Environmental Services Department, in which case the customer shall be required to pay to City a fee as set forth in the currently applicable City Council resolution establishing fees and charges, or as follows, whichever is greater:

<u>Flat Rate Service</u>	<u>Per Service Connection</u>
	<u>Per Month</u>
For 2-inch service	\$ 9.00
For 3-inch service	138.00
For 4-inch service	1827.00
For 6-inch service	2736.00
For 8-inch service	3745.00
For 10-inch service	4654.00

PART 16. CHARGES FOR TURN-ON/OFF OF SERVICE

Section 16.1. The following schedule is applicable to customers whose water service has been discontinued for violation of the Rules, or whose water service requires connection or disconnection in situations as identified in the Rules, or for nonpayment of bills, in which case the customer shall be required to pay to City a fee as set forth in the currently applicable City Council resolution establishing fees and charges, or as follows, whichever is **greater**:

<u>Reconnection Charge</u>
<u>For Service</u>
<u>For reconnection of service</u>
<u>Charge for Service</u>

<u>Disconnection or connection of service during regular working hours</u>	<u>\$55.00</u>
<u>Disconnection or connection of service other than regular working hours</u>	<u>\$95.00</u>

~~_____ \$55.00~~
~~_____ during regular working hours~~

Section 16.2. The charges for customers who are financially unable to pay for residential services as defined in the Administrative Policy shall pay the charge identified in Section 16.1 above or the charge set below, as increased annually for changes in the Consumer Price Index beginning January 1, 2021, whichever is less:

	<u>Charge for Service</u>
<u>Disconnection or connection of service during regular working hours</u>	<u>\$50.00</u>
<u>Disconnection or connection of service other than regular working hours</u>	<u>\$150.00</u>

Section 16.32. Prior to reconnection, applicant shall have complied with the Rules governing water service and/or re-establishing credit set forth in this Resolution and the Administrative Policy.

PART 17. EFFECTIVE DATE

Section 17.1. Notification and billing requirements shall be governed by Resolution 77004 until the approval of the Administrative Policy. Otherwise, Resolution 77004 is repealed.

ADOPTED this _____ day of _____, 2019, by the following vote:

RD:CDW
9/27/19

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk