

DIVISION I

DISTRICT ADMINISTRATION

CHAPTER 1

GENERAL PROVISIONS

SECTION 0

DEFINITIONS AND MISCELLANEOUS PROVISIONS

0.01 TITLE - REFERENCE TO CODE

This Code shall be known as the "Otay Water District Code of Ordinances." References herein to the "Code" or the "Ordinances" shall be deemed to mean said Code of Ordinances.

0.02 DEFINITIONS

A. The following words as used in this Code shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

"Board of Directors" or "Board" means the Board of Directors of the District.

"Board Member" or "Member of the Board" means a Director of the Board of Directors.

"Central Area Service Zone" means all land within the boundaries of the area identified as the Central Area Service Zone as shown on the map on file in the Office of the District Secretary.

"County" means the County of San Diego.

"Customer" means any person, firm, association, partnership, corporation or governmental agency supplied or entitled to be supplied with water or sewer service by the District for compensation.

"Developer" means any person, firm, association, partnership, joint venture or corporation who applies for acceptance by the District of an addition to its water distribution system or its sewer collection system.

"District" means the Otay Water District (formerly Otay Municipal Water District).

"Equivalent Dwelling Unit" or "EDU" means a unit of measurement for water service or sewer service. For water service, one EDU shall be considered to be equivalent to a $\frac{3}{4}$ -inch meter, and is also typically considered to be

equivalent to 650 gallons per day (gpd) for planning purposes. For sewer service, one EDU shall be 250 gallons per day (gpd) of residential strength wastewater defined as having a maximum concentration of 280 milligrams per liter (mg/l) biochemical oxygen demand (BOD) and 234 milligrams per liter (mg/l) suspended solids.

"General Manager" means the General Manager of the District or the designated representative.

"Irrigated area" means the area of land (measured in square feet) which may require supplemental water (potable or recycled) from the District for the support of landscaping, but does not include decks, walkways, patios, tennis courts or any other permanently hard-surfaced areas maintained within or around landscaped areas. Trees shall have an irrigated area equal to the area within the circumference of the canopy (drip line) of the tree at maturity.

"Landscape or landscaping" means the living plant material and organic or inorganic ground covers (mulches) used for aesthetic, erosion control and/or fire control purposes as specified by city or county regulations.

"Line Extension" means a water or sewer main constructed from the termination point of an existing District main to provide service beyond the existing main.

"Non-permanent Irrigation Service" means water service furnished to establish and maintain re-vegetated native plants for a period not to exceed five years.

"Off-Site Facilities" means facilities which must be constructed outside the boundaries of a development to bring utility service from the nearest District facility to the boundary of the land being developed.

"On-Site Facilities" means facilities which must be constructed within the boundaries of a development for utility service within the development or other land to be served.

"Parcel Map Development" or "Lot-Split" means a real estate development resulting in a division of land into four or less parcels for which no subdivision map is re-

quired but for which a parcel map is required to be filed and approved by the applicable local governmental agency.

"Person" means any individual, firm, co-partnership, joint venture association, corporation, county, city, municipal corporation or other political subdivision, or any other group or combination acting as a unit.

"Sewer Lateral" means the portion of pipe between the District sewer main and the coupling at the property owner's point of connection.

The word "shall" means mandatory and the word "may" means permissive.

"Staff" means the General Manager and other administrative personnel of the District.

"Subdivision" means a real estate development resulting in a division of land into five or more lots or parcels for which a subdivision map is required to be filed and approved by the applicable local governmental agency.

"Utility" or "Utility System" means a water system and/or sewer system, as applicable.

"Water Lateral" means the portion of pipe between the District water main and the water meter location.

"Water Meter" means an instrument used for automatic recording of the quantity of water delivered to a customer and the term shall include the fittings, valves and equipment required for operation of the water meter.

"Water Service" means the furnishing of water to a customer through a District-owned water meter or meters.

0.03 EFFECT OF HEADING

The title, division or section headings contained in this Code shall not be deemed to govern, limit or modify in any manner the scope, meaning or intent of the provisions of any section or subsection of this Code.

0.04 NOTICES

A. Whenever a notice is required to be given under this Code, unless different provisions are specifically made herein, such notice may be made either by personal delivery thereof to the person to be notified or by deposit in the U.S.

Mail in a sealed envelope, postage prepaid, addressed to such person at his last known business or residence address as the name appears in public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

B. Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

0.05 VALIDITY OF CODE

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the remaining portions of this Code. The Board of Directors hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase or portion thereof, irrespective that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

0.06 TIME LIMIT FOR SEEKING REVIEW OF ADMINISTRATIVE DECISIONS

Judicial review of any administrative decision of the District may be had pursuant to Code of Civil Procedure Section 1094.5 only if the petition for writ of mandate is filed not later than the ninetieth day following the date on which the decision become final.