

**CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT**  
**300 North "D" Street**  
**San Bernardino, CA 92418**

**RULE AND REGULATION NO. 24**  
**PRIVATE SYSTEMS ACQUISITION**

When any service area of a supplier of water is incorporated within the City of San Bernardino, the City may acquire the existing system through which such water is supplied. Any system so acquired may be used and maintained by the City until its replacement is determined to be necessary in the sole discretion of the Water Department.

- a. Replacement of any existing system shall be necessary when the Water Department has determined that it is inadequate. A system shall be inadequate when it is (1) in a condition of disrepair, dilapidation, or inadequacy which makes the continued use and operation of such system unsafe, unsanitary, or unreasonably expensive to the public, or (2) that replacement of the system is necessary to protect the public health and welfare, and convenience. Upon making such a determination, and finding that any of such conditions exist, the Water Department shall order that the inadequate system shall be replaced.
- b. The Water Department shall make a further determination of the estimated cost of replacement of such system with facilities of sufficient capacity and quality to protect the public health and welfare and to adequately supply all needs for water in the service area.
- c. A public hearing shall be held by the Water Department to consider the estimated cost of replacement of the system, and methods for apportioning such cost among the water users or the owners of property to which the system supplies water, or which are benefited by the availability of a water supply.
  1. A property shall be deemed benefited if, upon application by its owner in accordance with the rules of the Water Department and acceptance and approval of

such application by the Water Department, a connection may be made for water service from the City of San Bernardino.

2. Not more than 15 days prior to such hearing, a written notice of such hearing shall be posted in a visible location on any property so supplied or benefited, or mailed to any owner of the property, or advertised in a newspaper of general circulation in the City of San Bernardino. The notice shall include the proposed method of apportionment of the cost of replacement of the system.
3. During the hearing, the Water Department may receive evidence, oral or written, concerning the cost of replacement and the method of apportioning the cost. Following the hearing, the Water Department shall determine the estimated cost of replacement, and the basis for apportioning costs, and make an order specifying such cost and method of apportionment. The cost shall be paid as directed in such order. Any property owner or water user may request that the amount shall be payable in installments, and the Water Department in its discretion may authorize payments upon a reasonable basis as determined by the Water Department. If any user of water or owner of benefited property should fail to make payments in the manner so determined, the amount of said payment may be added to the water rates charged by the City of San Bernardino. Failure to make any such payments, as directed in the Water Department's order, shall be cause for the discontinuance of water service to the benefited property until such time as payment of the cost of replacement has been made in full.

Revised:	July 11, 2006
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