



Ordinance No. 2014 - 05
EFFECTIVE OCTOBER 10, 2014
FINDING THE NECESSITY FOR AND ADOPTING
A WATER CONSERVATION PROGRAM IN THE EVENT OF
A WATER SUPPLY OR DROUGHT EMERGENCY

WHEREAS, California Water Code Sections 375 et. seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity;

WHEREAS, California Water Code Section 10632 requires an urban water supplier to describe stages of action to be undertaken in the event of a water supply shortage;

WHEREAS, the Board of Directors of Directors of the Truckee Donner Public Utility District has determined that it is necessary to establish a water conservation program in the event of any future water supply shortage or drought emergency;

WHEREAS, the Board of Directors finds and determines that a water shortage could exist in the event of major failure of one or more components of the water system or drought;

WHEREAS, the Board of Directors also finds and determines that the water sources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water be encouraged with a view to the maximum reasonable and beneficial use thereof in the interest of the people of the District and for the public welfare.

NOW THEREFORE BE IT ENACTED by the Board of Directors of the Truckee Donner Public Utility District as follows:

1. The General Manager is hereby authorized and directed to implement the provisions of this ordinance. Additionally, the General Manager is hereby charged with interpretation, regulation and enforcement of the provisions of this ordinance, and authorized to make exceptions to prevent undue hardship or unreasonable restrictions, provided that water shall not be wasted or used unreasonably and the purpose of this ordinance can be accomplished.
2. To the extent that any of the existing and prior ordinances of the District applicable to its water system are inconsistent herewith, all such prior water ordinances shall be deemed revoked upon this ordinance becoming effective to the extent that they are inconsistent.
3. The provisions of this ordinance shall apply to all water served to persons, customers, and property by the District. The District shall declare which portions of the service area are subject to a water supply emergency and the requirements of this ordinance.
4. The provisions of this ordinance are not applicable to the uses of water which are necessary to protect public health and safety or for essential governmental services, such as police, fire and other similar emergency services.

5. **Water Conservation Stages:** No person shall knowingly use water or permit the use of water supplied by the District for commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this ordinance, in an amount in excess of the amounts authorized by this ordinance or during any period of time other than the periods of time specified in this ordinance. At no time shall water be wasted or used unreasonably.
6. The following stages shall take effect upon declaration as herein provided:
- (a) Stage 1 – Targeted 10% Reduction in Water Usage - Voluntary Compliance: Stage 1 applies during periods that the District determines that water usage should be reduced approximately 10% in order to meet all of the water demands of its customers. Specific mandated restrictions in water use for Stage 1 are as follows:
1. Irrigation with potable water of ornamental landscapes and turf shall be limited to every other day.
 2. The application of potable water to driveways and sidewalks shall be prohibited unless for driveway sealing or construction.
 3. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle, shall be prohibited
- (b) Stage 2 – Targeted 20% Reduction in Water Usage - Mandatory Compliance: Stage 2 applies during periods that the District determines that water usage should be reduced approximately 20% in order to meet all of the water demands of its customers. Specific mandated restrictions in water use for Stage 2 are as follows:
1. Irrigation with potable water of ornamental landscapes and turf shall be limited to every other day.
 2. The application of potable water to driveways and sidewalks shall be prohibited unless for driveway sealing or construction.
 3. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle, shall be prohibited.
 4. Customers may be subject to fines and penalties for failure to comply with this requirement.
- (c) Stage 3 – Targeted 30% Reduction in Water Usage - Mandatory Compliance: Stage 3 applies during periods that the District determines that water usage should be reduced approximately 30% in order to meet all of the water demands of its customers. Specific mandated restrictions in water use for Stage 3 are as follows:
1. Irrigation of ornamental landscapes and turf shall be limited to 3-days per week.
 2. The application of potable water to driveways and sidewalks shall be prohibited.
 3. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle, shall be prohibited.
 4. Customers may be subject to fines and penalties for failure to comply with this requirement.
 5. The District may install flow restricting devices on a customer's service.

(d) Stage 4 – Targeted 40% Reduction in Water Usage - Mandatory Compliance: Stage 4 applies during periods that the District determines that water usage should be reduced approximately 40% in order to meet all of the water demands of its customers. Specific mandated restrictions in water use for Stage 4 are as follows:

1. Irrigation of ornamental landscapes and turf shall be limited to 2-days per week.
2. The application of potable water to driveways and sidewalks shall be prohibited.
3. The use of potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle, shall be prohibited.
4. Any customer leak in plumbing and / or irrigation systems shall be repaired when found, but in any case within ten (10) days of notice by the District to repair. The District may perform the repair or hire a contractor to perform the repair, and then invoice the customer for those costs.
5. The District may install flow restricting devices on a customer's service.
6. Customers may be subject to fines and penalties for failure to comply with this requirement.

(e) Stage 5 – Targeted 50% Reduction in Water Usage - Mandatory Compliance: Stage 5 applies during periods that the District determines that water usage should be reduced approximately 50% in order to meet all of the water demands of its customers. Specific additional mandated restrictions in water use for Stage 5 are as follows:

1. All outdoor water uses are prohibited in the area affected by the water conservation requirement. The District may discontinue service to irrigation services.
2. Any customer leak in plumbing system shall be repaired when found, but in any case within ten (10) days of notice by the District to repair. The District may perform the repair or hire a contractor to perform the repair, and then invoice the customer for those costs.
3. The District may install flow restricting devices on a customer's service.
4. The District may implement mandatory water rationing through the use of rolling outages.
5. Customers may be subject to fines and penalties for failure to comply with this requirement.

7. **Implementation of Conservation Stages.** The District shall monitor the projected supply and demand for water by its customers on a daily basis. In the event of an emergency, the General Manager shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the District to prudently plan for and supply water to its customers. Thereafter, the General Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provision of this ordinance. Water system customers shall be notified of water conservation stages by one or more of the following methods:

- (a) Door hanger notices delivered to the property served
- (b) Mass mailing to customers and property owners
- (c) Announcements in local media such as newspapers, radio and television

(d) Any other methods deemed appropriate by the General Manager

The stage designated shall become effective immediately upon announcement. The declaration of any stage shall be reported to the Board of Directors as soon as practicable and convene a special meeting as soon as possible. The Board of Directors shall thereupon ratify the declaration, rescind the declaration, or direct the declaration of a different stage.

8. VIOLATIONS

In order to protect the health, safety and welfare of the community, the District shall serve any customer found to be violating any provision of this ordinance with written notice, in accordance with Section 11, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction. If a violation is not corrected within the time limit prescribed, the General Manager may exercise his authority to disconnect the water service from the District's system based upon the severity of the violation. Disconnect and reconnect fees shall be assessed per the District's fee schedule.

9. REQUESTS FOR EXEMPTION OR DEVIATION

All requests for exemption or deviation from these standards shall be submitted, in writing, by the customer to the General Manager. The customer must obtain written permission and not assume that permission will be forthcoming for exemptions or deviations.

The General Manager may temporarily or permanently exempt customers from the provisions of this Ordinance, or impose reasonable conditions in lieu of compliance, if the General Manager finds that any of the following conditions exist:

9.1 Serious Economic Hardship

The requirements would cause an unnecessary and undue economic hardship upon the customer, threatening the customer's primary source of income as an individual or a business.

9.2 Adverse Impact on Health and Safety

Strict compliance would create an emergency condition, as determined by the General Manager, adversely affecting the health, protection or safety of the customer or the public.

10. APPEALS

Any person who is dissatisfied with any determination made under this ordinance may at any time within 30 days after such determination make an appeal. The first appeal will be made to the General Manager in writing. Should the applicant be dissatisfied with the decision of the General Manager, a subsequent appeal may be made to the Board of Directors of Directors within 30 days of the General Manager's decision.

10.1 Appeal to General Manager

Any person who is dissatisfied with any determination made under this ordinance may at any time within 30 days after such determination, appeal to the General Manager by giving written notice to the General Manager. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on the appellant's property or business, together with any other reasons for the appeal.

The General Manager shall investigate the matter appealed and shall make a written decision, which shall be mailed to the appellant within 30 days of receipt of the appeal. If the dispute involves an amount of charges, the appellant shall pay the amount disputed in full when the charges are due. Any charge paid under protest will be refunded to the appellant should the General Manager determine that the charges were wrongfully made.

10.2 Appeal to Board of Directors of Directors

Any person who is dissatisfied with any determination made by the General Manager may at any time

within 30 days after such determination, appeal to the Board of Directors of Directors by giving written notice to the General Manager and to the Clerk of the Board of Directors of Directors. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on the appellant's property or business, together with any other reasons for the appeal.

The General Manager shall transmit to the Board of Directors of Directors a report upon the matter appealed. The Board of Directors of Directors may request that the appeal be agendized and consider all testimony and make a decision, which shall be mailed to the appellant within 30 days of the date of the Board of Directors action. The Board of Directors of Directors may, at any time, upon its own motion, revise any determination made by the General Manager.

If the dispute involves an amount of charges, the appellant shall pay the amount disputed in full when the charges are due. Any charge paid under protest will be refunded to the appellant should the Board of Directors of Directors determine that the charges were wrongfully made.

11. NOTICE OF VIOLATION

If any person fails or refuses to comply with the provisions of this ordinance, the General Manager or the manager's designee shall provide the person with a written notice of the violation and an opportunity to correct the non-compliance. The written notice will:

- (a) Be posted or presented at the site of the noncompliance
- (b) Be mailed to the customer
- (c) State the time, date and place of the violation
- (d) Provide a general description of the violation
- (e) State the means to correct the violation
- (f) State a date by which correction is required
- (g) State the possible consequences of failing to correct the violation

If the violation is not corrected to the District's satisfaction within the time frame specified, the District may restrict the water service to the property or disconnect the service. In addition to correcting the violation, the customer may be billed administrative fees on their account.

11.1 PROCEDURES

11.1.1 First Violation

Following adoption of this ordinance, first violations will result in a friendly reminder in the form of a notice posted on or near the front door, personal contact with the customer, a phone call and/or a letter advising the customer of the violation, in accordance with Section 11 a through g.

11.1.2 Second Violation

For a second violation within one calendar year, the customer will be notified in writing in accordance with Section 11 a through g. If the correction is not made within thirty (30) days of the District's notice to the customer, the customer may be assessed a fine of \$100. The fee shall be added to the customer's water service charges at the property where the violation occurred.

11.1.3 Third Violation

For a third violation within one calendar year, the customer will be notified in writing in accordance with Section 11 a through g. The customer may be assessed a fine of \$200. The fee shall be added to the customer's water service charges at the property where the violation occurred. If not corrected within ten (10) days of written notice, a flow-restricting device may be

installed on the customer's service connection, and the costs associated with the installation and removal will be billed on the customer's monthly water billing.

11.1.4 Fourth Violation

For the fourth and subsequent violations within one calendar year, the customer will be notified in writing in accordance with Section 11 a through g and the customer may be assessed a fine of \$500. The fee shall be added to the customer's water service charges at the property where the violation occurred. In addition, a flow-restricting device may be installed on the customer's service connection, and the costs associated with the installation and removal will be billed to the customer.

If not corrected within ten (10) days of written notice, the District may discontinue the customer's water service at the property where the violation occurred in accordance with District procedures. Reconnection shall only be permitted when there is reasonable protection against future violations, as determined by the General Manager.

11.2 ENFORCEMENT COSTS

The District may correct any violation of this ordinance and bill the customer for costs and expenses in enforcing the provisions of this ordinance, including staff time for investigation and monitoring for compliance, if the customer refuses to comply. Charges shall be added to the customer's bill for the property where the enforcement costs were incurred. The District may also take such action as may be allowed by statute.

11.3 TERMINATION OF SERVICE

Failure to correct the violation may result in termination of water service to the parcel on which the violation occurred.

12. SEVERABILITY

If any section, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, sentences, clauses or phrases be declared invalid.

PASSED AND ADOPTED by the Board of Directors of Directors at a meeting duly called and held within the District on the tenth day of September 2014 by the following roll call vote:

AYES: Directors Aguera, Bender, Ellis, Hemig and Lalitois

NOES: None

ABSTAIN: None

ABSENT: None

TRUCKEE DONNER PUBLIC UTILITY DISTRICT

By _____
Tony Laliotis, President of the Board of Directors

ATTEST:

Michael D. Holley, Clerk of the Board of Directors