

ORDINANCE 2014-1

**AN ORDINANCE OF CALAVERAS PUBLIC UTILITY DISTRICT
ESTABLISHING MANDATORY WATER CONSERVATION PLAN**

WHEREAS, California is experiencing on of the most severe droughts on record; and

WHEREAS, many areas of the State will face water shortages this year; and

WHEREAS, Governor Brown declared a drought state of emergency on January 17, 2014, and called on all Californians to do their part to reduce their water usage; and

WHEREAS, though local water supply conditions vary around the State, California is nevertheless in a statewide drought, and it is crucial that all residents do what they can to use water wisely to maximize supplies and protect water reserves in the case next year is dry as well; and

WHEREAS, Calaveras Public Utility District (CPUD) has encouraged voluntary conservation and now asks its customers to heighten their conservation efforts; and

WHEREAS, Calaveras Public Utility District adopted a Mandatory Water Conservation Plan (Exhibit A) that contains a Water Supply Shortage, Mandatory Conservation request that outlines the measures to be taken; and

WHEREAS, the severity and anticipated duration of the drought and associated curtailment necessitate the implementation of additional conservation measures.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the CALAVERAS PUBLIC UTILITY DISTRICT does hereby declare this Ordinance to be necessary and in accordance with the authorities prescribed by California Water Code Section 31026 and 31027.

BE IT FURTHER RESOLVED that conservation measures and enforcement actions enumerated under **Stage 2** of the above referenced Mandatory Water Conservation Plan, and made a part hereof, shall become effective immediately upon adoption of this Ordinance and shall remain in effect until rescinded.

FURTHER RESOLVED that the provisions of this Ordinance shall prevail and control in the event of inconsistency between this Ordinance and any other rules or regulations of Calaveras Public Utility District.

FURTHER RESOLVED that the Secretary of the Board of Directors is hereby directed to publish this Ordinance for a period and in the manner required by Water Code Section 31027.


The foregoing Resolution was duly passed and adopted by the Board of Directors at a regular meeting of the Board on the 15 day of July, 2014, by the following vote:

AYES: Directors: Moore, Overmier, Ortege1 and Lavaroni

NOES: Directors: None

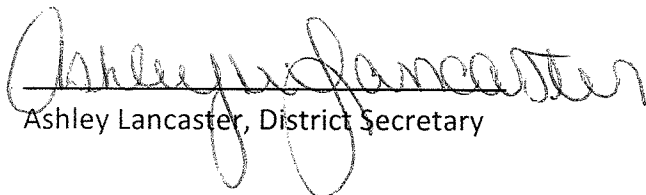
ABSENT: Directors: None

ABSTAIN: Directors: None



PRESIDENT, CALAVERAS PUBLIC UTILITY DISTRICT

ATTEST:



Ashley Lancaster, District Secretary

I hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Board of Directors of Calaveras Public Utility District.

Ashley Lancaster, District Secretary

date

**CALAVERAS PUBLIC UTILITY DISTRICT
MANDATORY WATER CONSERVATION PLAN
EXHIBIT A
JULY 15, 2014**

In order to conserve District's allocated water supply during times of drought for the greatest public benefit with particular regards to domestic, sanitation, fire protection and productive commercial agriculture, District adopts the following regulations and restrictions on the delivery and use of water within the District's system.

I. Declaration of Purpose and Intent

- a) The purpose of this Ordinance is to establish a Water Conservation Plan that will reduce water consumption within the District through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the District to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- b) This Ordinance establishes Permanent Water Conservation Requirements intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

II. Permanent Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements are effective at all times are permanent, unless rescinded by the action of the Board of Directors. Violations of this section will be considered waste and an unreasonable use of water.

- a) **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated areas in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.
- b) **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container or a hand-held equipped with a positive self-closing water shut-off device.

- c) **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the customers plumbing or distribution system for any period of time after such escape of water is prohibited.
- d) **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- e) **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.
- f) **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, club or other public place where food or drinks are sold, served, or offered for sale, are requested to refrain from providing drinking water to any person unless requested.
- g) **Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily:** Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language.
- h) **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
- i) **Commercial Car Wash Systems:** Effective January 1, 2015, all commercial conveyor car wash systems must have installed and operational re-circulating water systems, or must have secured a waiver of this requirement from the District.
- j) **Limits on Building Permits:** The District may limit or withhold the issuance of will serve letters which require new or expanded water service, except to protect the public health, safety and welfare.

III. **Stage 1 Water Supply Shortage**

- a) **Stage 1 Water Supply Shortage** exists when the District determines, in its sole discretion, that due to drought or other water supply reductions, a water supply shortage exists and a consumer demand reduction of up to 20% is necessary to make more efficient use of water and appropriately respond to existing water

shortage conditions. Upon the declaration by the District of a Stage 1 Water Supply Shortage condition, the District shall implement the mandatory Stage 1 Conservation Measures identified in the section.

- b) **Additional Water Conservation Measures:** In addition to the “Permanent Water Conservation Requirement,” the following water conservation requirements apply during a declared Stage 1 Water Supply Shortage:
- 1) **Limits on Outdoor Watering Hours and Duration:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 9 a.m. to 6 p.m. on any day, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Watering or irrigating of lawn, landscape or other vegetated area with Potable Water using a Landscape Irrigation System is limited to no more than 30 minutes watering per day.
 - 2) **Limits on Outdoor Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is limited to 3 days per week. Odd-numbered addresses can water on Wednesday, Friday, and Sunday (1513 Main). Even-numbered addresses can water on Tuesday, Thursday, and Saturday (1062 Main). No watering is allowed on Mondays. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision also does not apply to watering or irrigating by use of hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device.
 - 3) **Obligations to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within three days of notification by the District unless other arrangements are made with the District.
 - 4) **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited. This subsection does not apply to any commercial car washing facility.
 - 5) **Other Prohibited Uses:** The District may implement other prohibited water uses as determined by the District, after notice to customers.

IV. Stage 2 Water Supply Shortage

- a) **Stage 2 Water Supply Shortage** exists when the District determines, in its sole discretion, that due to drought or other water supply reductions, a water supply

shortage exists and a consumer demand reduction exceeding 20% to up to 40% is necessary to make more efficient use of water and appropriately respond to existing water shortage conditions. Upon the declaration by the District of a Stage 2 Water Supply Shortage condition, the District shall implement the mandatory Stage 2 Conservation Measures identified in this section.

- b) Additional Conservation Measures: In addition to the “Permanent Water Conservation Requirements,” the following additional water conservation requirements apply during a declared Stage 2 Water Supply Shortage:
- 1) Limits on Outdoor Watering Hours and Duration: Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 9 a.m. to 6 p.m. on any day, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Watering or irrigating of lawn, landscape or other vegetated area with Potable Water using a Landscape Irrigation System is limited to no more than 15 minutes per day.
 - 2) Limits on Outdoor Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is limited to 2 days per week. Odd-numbered addresses can water on Wednesday and Friday (1513 Main). Even-numbered addresses can water on Tuesday and Thursday (1062 Main). No watering is allowed on Mondays, Saturdays and Sundays. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision also does not apply to watering or irrigating by use of hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device.
 - 3) Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within 2 days of notification by the District unless other arrangements are made with the District.
 - 4) Limits on Washing Vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited. This subsection does not apply to any commercial car washing facility.
 - 5) Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage Stage.

- 6) Limits on Filling Residential Swimming Pools & Spas: Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with Potable water is prohibited.
- 7) Other Prohibited Uses: The District may implement other prohibitions on water uses as determined by the District, after notice to customers.

V. Stage 3 Water Supply Shortage – Emergency Condition

- a) **Stage 3 Water Supply Shortage** condition is also referred to as an “Emergency” condition. A Stage 3 condition exists when the District declares a water shortage emergency and notified its residents and businesses that a significant consumer demand reduction exceeding 40% is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration of Stage 3 Water Supply Shortage Emergency condition, the District will implement the mandatory Stage 3 Conservation measures identified in this section.
- b) Additional Conservation Measures: In addition to the “permanent Water Conservation Requirements,” the following water conservation requirements apply during a declared Stage 3 Water Supply Shortage Emergency:
 - 1) No Outdoor Watering or Irrigating: Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited. This restriction does not apply to the following categories of use:
 - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or a very low-flow drip type irrigation system when no emitter produces more than 1 gallons of water per hour subject to the hour restrictions of 6 p.m. to 9 a.m. on any day (prohibited between the hours of 9 a.m. to 6 p.m.);
 - ii. Maintenance of existing landscape necessary for fire protection;
 - iii. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;
 - iv. Maintenance of landscape within active public parks and playing fields, day care centers, school ground, cemeteries, and golf course greens, provided that such irrigation does not exceed 2 days per week subject to the hour restrictions of 6 p.m. to 7 a.m. on any day (prohibited between the hours of 9 a.m. to 6 p.m.).

- 2) **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within 24 hours of notification by the District unless other arrangements are made with the District.
- 3) **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited. This subsection does not apply to any commercial car washing facility.
- 4) **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage Stage.
- 5) **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with Potable water is prohibited.
- 6) **Discontinue Service:** The District, in its sole discretion, may discontinue service to customers who willfully violate provisions of this section.
- 7) **Other Prohibited Uses:** The District may implement other prohibited water uses as determined by the District, after notice to customers.

VI. Agricultural Irrigation Water Users

- a) All irrigation water shall be reduced by the current State percentage, equal to the overall system reduction goal for all customers in the District.
- b) Irrigation season shall begin no earlier than May 1st and last no longer than October 31st. Irrigation season may be started earlier, postponed, or shortened by the CPUD Board of Directors based on conditions.
- c) Irrigation users shall limit consumption to the lowest amount possible that allows for continued irrigation. Conservation measures will be established by the District on an individual basis, subject to a written request from the customer.

VII. Procedures for Determination/Notification of Water Supply Shortage

- a) Declaration and Notification of Stage 1 & 2 Water Supply Shortage

- 1) The existence of Stage 1, Stage 2, and Stage 3 Water Supply Shortage conditions may be declared by resolution of the District adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation requirements applicable to Stage 1, Stage 2 and Stage 3 Water Supply Shortage conditions will take effect immediately upon adoption by the Board of Directors.
- 2) In case of emergency, the District Manager will have the authority to declare a Stage 1, Stage 2, and Stage 3 Water Supply Shortage condition subject to ratification by the Board of Directors within 7 days or the order will have no further force or effect.
- 3) The Board of Directors is authorized to implement mandatory conservation requirements applicable to Stage 1, Stage 2, and Stage 3 Water Supply Shortage conditions in order for the District to comply with water use restrictions imposed by federal, state or regional water agencies or respond to emergency water shortage conditions.

VIII. Other Provisions

- a) Water rates may be increased by a set monthly amount, based upon a rate study approved by the Board of Directors. Increased fees will help offset the District's system maintenance costs in a time of water usage reductions.

IX. Hardship Waiver

- a) Undue and Disproportionate Hardship: If due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a person using water or to property upon which water is used that is disproportionate to the impacts to water users generally or to similar property classes of water users, then the person may apply for a waiver upon written application to the District. Granting of the waiver will be at the sole discretion of the Board of Directors.

X. Penalties and Violations

- a) Civil Penalties: In addition to all other remedies, the District may issue civil penalties for failure to comply with any provisions of this Ordinance are as follows:
 - 1) First Violation: Customer will receive a written Notice of Violation and a copy of this plan by mail.
 - 2) Second Violation: A second violation within the preceding 12 calendar months: Customer is subject to a notification and fine of \$50. The fine will be added to the customer's next water bill. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

- 3) Third Violation and subsequent: A third violation and subsequent violations within the preceding 12 calendar months: The customer is subject to a fine of \$500 for each violation. The fine will be added to the customer's next water bill. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
 - 4) Termination of Service: In addition to any fines and the installation of a water flow restrictor, after 3 violations the District may disconnect, install a flow restrictor and/or terminate a customer's water service.
- b) Cost of Flow Restrictor and Disconnecting Service: A person or entity that violates the Ordinance is responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the District before the device is removed. Nonpayment will be subjected to the same remedies as nonpayment of basic water rates.
 - c) A violation of this Ordinance is declared to be a public nuisance and may be abated by the District in accordance with its authority to abate nuisances.
 - d) The penalties and remedies listed in this Ordinance are not exclusive of any other penalties and remedies available to the District under any applicable federal, state or local law and it is within the discretion of the District to seek cumulative penalties and remedies.

CALAVERAS PUBLIC UTILITY DISTRICT

STAGE 2 MANDATORY WATER CONSERVATION MEASURES

1. Limits on Outdoor Watering Hours and Duration: Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 9 a.m. to 6 p.m. on any day, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Watering or irrigating of lawn, landscape or other vegetated area with Potable Water using a Landscape Irrigation System is limited to no more than 15 minutes per day.
2. Limits on Outdoor Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is limited to 2 days per week. Odd-numbered addresses can water on Wednesday and Friday (1513 Main). Even-numbered addresses can water on Tuesday and Thursday (1062 Main). No watering is allowed on Mondays, Saturdays and Sundays. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision also does not apply to watering or irrigating by use of hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device.
3. Obligation to Fix Leaks, Breaks or Malfunctions: All Leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within 2 days of notification by the District unless other arrangements are made with the District.
4. Limits on Washing Vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited. This subsection does not apply to any commercial car washing facility.
5. Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage Stage.
6. Limits on Filling Residential Swimming Pools & Spas: Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with Potable water is prohibited.

CALAVERAS PUBLIC UTILITY DISTRICT

STAGE 2 WATER CONSERVATION ENFORCEMENT MEASURES

- 1) First Violation: Customer will receive a written Notice of Violation and a copy of this plan by mail.
- 2) Second Violation: A second violation within the preceding 12 calendar months: Customer is subject to a fine of \$50. The fine will be added to the customer's next water bill. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- 3) Third Violation and subsequent: A third violation and subsequent violations within the preceding 12 calendar months: The customer is subject to a fine of \$500 for each violation. The fine will be added to the customer's next water bill. Nonpayment will be subject to the same consequences as nonpayment of basic water rates.
- 4) Termination of Service: In addition to any fines and the installation of a water flow restrictor, after 3 violations the District may disconnect, install a flow restrictor and/or terminate a customer's water service.