

Regulation 117

WATER SHORTAGE EMERGENCY (Water Conservation Program)

(a) **Declaration of a Water Shortage Emergency**

A Water Shortage Emergency may be declared by Resolution of the Board of Directors of the Inverness Public Utility District under the conditions cited in, and pursuant to the provisions of, Sections 350 through 358 of the Water Code of the State of California. Except in the event of a wildfire or a breakage or failure of a dam, pump, pipeline, or conduit causing an immediate emergency, adoption of a Resolution declaring a Water Shortage Emergency shall be made only after a public hearing at which consumers of the water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the governing board. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code at least seven (7) days prior to the date of the hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

(b) **Purpose**

The purpose of this Regulation is to provide during a Water Shortage Emergency a “Water Conservation Program” consisting of regulations and restrictions on the delivery of water and the consumption of water supplied for public use as will, in the sound discretion of the District’s Board of Directors, conserve the District’s water supply for the greatest public benefit, with particular regard to public health and sanitation, fire protection, domestic use, and preservation of the ecological health of the community and the District’s watershed by reducing wasteful uses of water and allocating the available water supply fairly and equitably among the customers and users. This Regulation is intended to be operative pursuant to a declaration by the Board of Directors that a Water Shortage Emergency condition prevails within the area served by the District’s Water System.

(c) **Implementation**

This Regulation and its provisions shall be in effect and shall be binding on the customers of the District’s Water System and users of District-provided water with the full force and effect of law immediately upon adoption by the Board of Directors of the Inverness Public Utility District of a Resolution declaring that a Water Shortage Emergency condition prevails within the area served by the District’s Water System, unless said Resolution provides otherwise, and shall remain in full force and effect until the Board of Directors of the Inverness Public Utility District declares by Resolution an end to the Water Shortage Emergency. In its Resolution declaring a Water Shortage Emergency, the Board of Directors may provide for regulations and restrictions on the delivery and consumption of water other than as provided for in this Regulation, or in addition to the regulations and restrictions provided for in this Regulation; it may also exempt enumerated provisions of this Regulation from being placed in effect during a declared Water Shortage Emergency.

(d) **Limited Effectiveness**

The provisions of this Regulation shall not be effective or applicable when no duly declared Water Shortage Emergency is in effect in the District.

(e) **New Service Connections**

At any time a Water Shortage Emergency is in effect, the District’s Water System may continue to receive, accept, and process applications for New Service Connections. However, the District shall not provide the physical connection to a system main nor install the meter for a New Service Connection the application for which is received while a duly declared Water Shortage Emergency is in effect. Such connection and meter installation shall be provided only after the Water Shortage Emergency has been duly declared ended.

(f) **Three-Stage Water Conservation Program**

The District's program to conserve the public water supply during a Water Shortage Emergency shall consist of the three stages detailed in subparagraphs (1), (2), and (3) below. These stages shall be implemented as provided for in paragraph (g) below.

(1) **Stage 1: General Conservation and Prohibition of Nonessential Uses of Water**

While Stage 1 is in effect, the Water System shall implement a program to encourage its customers and users to conserve water and informing them of the need to reduce water usage. In addition, the following nonessential uses of water shall be prohibited during Stage 1:

- a. Any use of water in conjunction with installation of new landscaping or in support of replacement of more than 25 square feet within a 180-day period of existing landscaping, except as necessary for erosion control or for dust control at construction sites.
- b. Use of water through any service when the customer, the user, or the owner of the premises is aware of, or should have cause to be aware of, any broken or defective plumbing, sprinkler, watering or irrigation system, and the customer or owner has failed to effect necessary repairs within ten (10) days.
- c. Use of water which results in flooding or runoff into a gutter, street, roadway, or elsewhere of similar nature, including any runoff of any nature off the property intended to be served by the meter.
- d. Use of water through a hose not equipped with a positive shutoff mechanism for washing cars, busses, boats, trailers, or any other types of vehicles.
- e. Use of water through a hose for washing the exteriors of buildings or structures, or for washing sidewalks, driveways, patios, parking lots, athletic or game courts (such as tennis courts), or other hard-surfaced outdoor areas.
- f. Use of water for filling any new swimming pool or for refilling any existing swimming pool, except for reasonable "topping off" or reasonable backwashing-to-waste of existing swimming pools at intervals of not less than fourteen (14) days.
- g. Use of water to clean, fill, or maintain levels in decorative fountains, pools, or ponds exceeding one hundred (100) gallons capacity, except as minimally necessary to maintain existing piscine life.
- h. Use of water for construction purposes, such as consolidating backfill, unless no other source of water or method is reasonably available to be used and a permit for said use has been issued by the General Manager of the Inverness Public Utility District.
- i. Service of water to a customer by any restaurant or food-service establishment except when requested by the customer.
- j. Use of water without a permit issued by the General Manager to fill any privately-owned water storage tank whose capacity exceeds one hundred (100) gallons unless said tank is directly online in and an integral part of the customer's water service connection.

(2) **Stage 2: Prohibitions on Outdoor Uses of Water and/or Restrictions on When Outdoor Watering Is Permitted**

In addition to the provisions of Stage 1, which shall remain in effect during Stage 2, Stage 2 shall consist of such restrictions on outdoor uses of water as in the judgment of the General Manager are necessary to conserve the District's water supply. Any or all of the following restrictions on water usage may be placed in effect in any order or in any combination by the General Manager during Stage 2:

- a. Prohibition of use of water for washing vehicles (cars, busses, trailers, boats, etc.).
- b. Prohibition of use at any time of sprinkler devices for outdoor watering.

- c. Prohibition of use at any time of timer-activated automatic outdoor watering or irrigation systems.
- d. Prohibition of use of the public water supply to fill swimming pools, outdoor spas, or ornamental ponds whose capacity exceeds one hundred (100) gallons.
- e. Prohibition of outdoor watering on specified days of the week or month or during specified times of the day.
- f. Permitting outdoor watering only at specified times or on specified days or on a specified schedule, such as permitting outdoor watering on a schedule based on whether a property has an even-numbered or an odd-numbered street address.
- g. Requiring that any use of water outdoors be by handheld hose equipped with a positive shutoff mechanism or by watering can or container not exceeding five (5) gallons capacity.

(3) Stage 3: Water Rationing

In the event the Board of Directors receives from the General Manager a recommendation that it is necessary to conserve an even greater portion of the public water supply than is achieved by implementation of Stage 2, the Board of Directors may impose mandatory water rationing throughout the service area of the Inverness Public Utility District Water System by adopting a Resolution activating mandatory rationing, as provided for in the District's most recently enacted Mandatory Water Rationing Ordinance. Said Resolution shall be adopted only after a public hearing at which consumers of the water supply shall have an opportunity to be heard to protest against the rationing proposal and to present their respective needs to the governing board. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code at least seven (7) days prior to the date of the hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

(g) Authorization to Implement Stages

- (1) The General Manager shall have authority to place Stage 1 in effect.
- (2) The General Manager shall have authority to place Stage 2 in effect, provided that within five (5) days of placing Stage 2 in effect the General Manager shall notify in writing each member of the Board of Directors of the circumstances which, in the General Manager's judgment, make it necessary to place Stage 2 in effect, which notification to the Directors shall also be made available to the public. The Directors may, at a subsequent regular meeting or a duly called special meeting, rescind the General Manager's action placing Stage 2 in effect.
- (3) Only the Board of Directors shall have authority to place Stage 3 (mandatory water rationing) in effect, as provided in subparagraph (f)(3) of this Regulation.
- (4) Upon adoption by the Board of Directors of a Resolution declaring a Water Shortage Emergency to be in effect, the General Manager shall devise and implement a program to inform the public of the applicable provisions of this Regulation.
- (5) The General Manager shall devise and implement means of informing the public whenever a stage is placed in effect or a declared Water Shortage Emergency is ended.

(h) Enforcement

- (1) While Stage 1 or Stage 2 is in effect, the following penalties shall be applied in the event of a use of water that is in violation of a provision of this Regulation. Violations are cumulative only during the same duly declared Water Shortage Emergency.
 - a. First violation at a customer's service: An oral warning shall be issued upon detection of the violation, and a letter explaining the violation shall be mailed to the customer within seven (7) working days.

- b. Second violation at the same customer's service: An administrative fine of one hundred dollars (\$100.00) shall be added to the customer's service account, and a letter explaining the violation and the fine penalty shall be mailed to the customer within seven (7) working days.
 - c. Third violation at the same customer's service: An administrative fine of two hundred dollars (\$200.00) shall be added to the customer's service account, and a letter explaining the violation and the fine penalty shall be mailed to the customer within seven (7) working days.
 - d. Fourth violation at the same customer's service: The General Manager shall notify the Board of Directors and shall place on the agenda for the next duly noticed meeting of the Board of Directors for which an agenda has not yet been posted a public hearing to consider restricting or discontinuing water service to the property at which the violation occurred, and shall notify the customer of record for said property of the impending hearing at which the Board of Directors may take action to restrict or discontinue water service to the customer's property. The Board of Directors at such public hearing may, in its sole discretion, based on testimony received and findings of fact, place such restrictions on water service to the affected property as it deems in its sole discretion to be necessary to protect the public water supply, including but not limited to directing Water System staff to place a flow restricting device at the service's water meter or to discontinue water service to the property, pursuant to Section 356 of the Water Code of the State of California. The Board may set a period of time during which a flow restriction device will be in place or a period of time during which service will be discontinued, but no such restriction shall remain in effect past the date on which the declared Water Shortage Emergency is declared ended by the Board of Directors, except that any service restriction or discontinuance that is in effect shall remain in effect as long as any currently unpaid rates and charges assessed to the property for water service remain unpaid.
 - e. If at the time a violation is detected there is no responsible adult present on the premises, the customer's service connection shall be turned off and service shall be restored only upon payment of a service restoration charge of fifty dollars (\$50).
 - f. If at the time a violation is detected there occurs a refusal by the person or persons engaged in the violation to immediately cease the usage of water that is in violation of this Regulation, the customer's service connection shall be turned off and service shall be restored only upon payment of a service restoration charge of fifty dollars (\$50).
- (2) A customer charged with a violation of this Regulation may submit an appeal in writing to the Board of Directors within fourteen (14) days of notification of the violation. The Board shall conduct a hearing on the appeal at its next duly noticed meeting that is no fewer than seven (7) days subsequent to the date the appeal is received in the District office. An appeal must be accompanied by a deposit in the amount of the administrative fine in the case of an appeal of a second or third violation. If the Board sustains an appeal of a violation for which a service restoration charge was paid by the appellant, the service restoration charge shall be refunded to the customer. The decision of the Board of Directors on an appeal shall be final and binding.

(i) **Exceptions and Exemptions**

Applications for exceptions to and exemptions from provisions of this Regulation, other than as provided for elsewhere in this Regulation, may be submitted in writing to the Board of Directors. The Board shall conduct a hearing on the application at its next duly noticed meeting that is no fewer than seven (7) days subsequent to the date the appeal is received in the District office. Economic hardship shall not be considered to constitute grounds for an exemption from any requirement of this Regulation. Nothing in this Regulation shall limit or restrict any public agency engaged in providing emergency services from making any reasonable use of the water supply for purposes associated with the provision of emergency services. Nothing in this Regulation shall limit or restrict the Water System itself from using water in any manner or fashion or for any use it deems necessary in order to operate the Water System and maintain the public water supply.

Regulation 117: *Adopted, July 2, 2001 (Ordinance 58-2001)*

July 22, 2009: The reference in paragraph (f)(4) to Ordinance 82-1 as providing the mechanisms for imposing water rationing was superseded by Ordinance 78-2009, which provides mechanisms for water rationing that are to be enforced in the event of implementation of Stage 4.

December 16, 2020: Subsection (f)(1)a rewritten; reference in subsection (f)(4) to "Ordinance 82-1" updated to "Ordinance 78-2009." (Ordinance 98-2020)