

ORDINANCE 2015 - E

**AN ORDINANCE OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT
ESTABLISHING REGULATIONS NECESSARY TO CONSERVE WATER.**

THE BOARD OF DIRECTORS OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

Water Use and Conservation

SECTIONS:

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Section 11.05.005. Repeal

All water use and conservation measures prescribed and set forth in all previously adopted ordinances, resolutions and orders by the District are hereby superseded.

Section 11.05.010. Findings and Authority.

The Board of Directors of the Plumas Eureka Community Services District finds it necessary for the conservation of water, to adopt and enforce a Water Conservation Program in order to reduce the quantities of water used by the consumers who are served by the Plumas Eureka Community Services District.

Said conservation measures and the enactment of this Ordinance are authorized by the provisions of Chapter 3.5, Water Conservation Programs, and Sections 375 - 378 of the Water Code of the State of California. Administrative penalties are imposed pursuant to Government Code sections 53069.4 and 61064.

Section 11.05.015. Definitions

“Outside Use” shall mean any use other than the use of water inside a residence or business.

“Use, Utilization or Waste” shall mean to include irrigation of lawns, sports fields, arenas or gardens, filling of pools, ponds or reservoirs, washing vehicles, washing sidewalks and similar activities.

“PECSD” shall mean the Plumas Eureka Community Services District.

“Hand Watering” shall mean the use of a garden hose equipped with a positive shut-off device to manually water vegetation and/or the watering of vegetation by means of a hand held container.

“Property Owner” shall mean the customer of record identified in the accounting database which Plumas Eureka Community Services District uses for billing fees, rates, and charges in accordance with PECSD Ordinance No. 2012-87.

Section 11.05.020 Scope and Effective Date

Effective immediately after the publication of the Ordinance, any outside use, utilization or waste of water supplied by PECSD may be restricted or prohibited upon notification by PECSD. Further, pursuant to the provisions of the Water Code, PECSD may install water saving devices, such as flow restrictors at the user’s expense or shut off the water.

Section 11.05.022. Conservation Measures

The Board shall have the authority to determine the water availability status and implement the appropriate stage of conservation measures by resolution.

Stage 1 – Normal Conservation

PECSD shall encourage water conservation by all residents and property owners in its service area by:

- 1) Including articles in the PLUMAS PIPELINES dealing with the subject of water conservation.
- 2) Securing a supply of water conservation information pamphlets to distribute at pancake breakfasts and other community functions.
- 3) Posting on community bulletin boards and other appropriate places information dealing with water conservation.
- 4) Developing an email address or phone number data base for customer contact and notification.
- 5) Monitoring lawn and landscape watering to ensure watering does not take place between 10:00AM and 6:00PM. No person shall water lawn and landscape between 10:00AM and 6:00PM.
- 6) Monitoring lawn and landscape watering to ensure watering occurs only once per day. No person shall water lawn and landscape more than once a day.
- 7) Notwithstanding the above, infrequent hand watering will be allowed to sustain landscaping.
- 8) Monitoring irrigation watering to insure excess irrigation water does not flow down streets or drainages. No person shall water in such a way that excess water flows down streets or into drainages.

Stage 2 – Water Conservation Alert

(PECSD shall notify customers of any Stage 2 declaration via USPS, e mail, phone calls, hand flyers distribution, and/or the PECSD web site. WATER PATROLS SHALL BE INITIATED)

- 1) All of Stage 1 efforts.
- 2) Washing down of driveways, parking lots or other similar areas using PECSD potable water shall not be allowed.
- 3) Lawn and landscape watering shall not take place between 8:00AM and 8:00PM.
- 4) Residences, businesses and properties with addresses ending in odd numbers shall water only on Monday, Wednesday, and Friday.
- 5) Residences, businesses and properties with addresses ending in even numbers shall water only on Tuesday, Thursday, and Saturday.
- 6) No watering shall occur on Sunday.
- 7) PECSD potable water shall not be used for dust control.
- 8) No filling of swimming pools, ponds or reservoirs over 200 cubic feet (1500 gallons) with PECSD potable water except by written permission from PECSD.
- 9) Infrequent hand watering will be allowed to sustain landscaping.

Stage 3 – Water Warning – Mandatory Requirements

(PECSD shall notify customers of any Stage 3 declaration via USPS, e mail, phone calls, hand flyers distribution, and/or the PECSD web site. WATER PATROLS SHALL BE INITIATED)

- 1) All items described in Stage 2.
- 2) No new installation or expansion of landscaping shall be permitted.
- 3) Lawn and landscape watering shall not occur between 8:00 AM and 10:00 PM.
- 4) No washing of vehicles or equipment with PECSD potable water.

Stage 4 – Water Emergency – Mandatory Requirements

(PECSD shall notify customers of any Stage 4 declaration via USPS, e mail, phone calls, hand flyers distribution, and/or the PECSD web site.

All items of Stage 2 and Stage 3, in addition to the following,

- 1) PECSD shall attempt to secure emergency water sources and solicit State and Federal water emergency funding.
- 2) Lawn and landscape watering shall be prohibited.
- 3) No swimming pools, ponds, or reservoirs shall be filled with PECSD potable water.

Section 11.05.025. Enforcement

The General Manager of PECSD and designated employee(s) shall be empowered to enforce the provisions of this Ordinance and shall be authorized to issue a notice of violation to violators.

Section 11.05.030 Penalties for Violation

The following penalties shall be imposed to the property owner for violation of any of the provisions set forth in this Ordinance. Any violations occurring on separate calendar days shall be considered separate violations. Monetary violations will be added to the property owner's billing account and collected in accordance with PECSD Ordinance No. 2012-87.

- 1) First Violation During Any Twelve (12) Month Period.
No monetary penalty shall be imposed, but a written notice describing the violation and the penalties for subsequent violations shall be issued to the property owner.
- 2) Second Violation During Any Twelve (12) Month Period.
A written notice describing the violation and a penalty of fifty dollars (\$50.00) shall be issued to the property owner.
- 3) Third Violation During Any Twelve (12) Month Period.
A written notice describing the violation and a penalty of one-hundred fifty dollars (\$150.00) shall be issued to the property owner.
- 4) Fourth Violation During Any Twelve (12) Month Period.
A written notice describing the violation and a penalty of five-hundred dollars (\$500.00) shall be issued to the property owner.

*Subsequent violations may be subject to the doubling of the fourth violation fine amount and/or disconnection of the irrigation system from the drinking water system.

Section 11.05.035 Right to Appeal

Property owners receiving a notice of violation under Section 11.05.030, may file an appeal with PECSD within fourteen (14) calendar days of receiving the violation. The appeal must be in writing. The appeal shall be placed on the agenda of the next regularly scheduled PECSD meeting for discussion and final determination by the Board. All appeal determinations made by PECSD are its final administrative decision.

Section 11.05.040 Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 11.05.045 Publication

The Clerk of the Board of Directors shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

THIS WATER USE AND CONSERVATION ORDINANCE WAS ACCEPTED ON THIS THE 11TH DAY OF FEBRUARY, 2015, BY THE FOLLOWING VOTE OF THE GOVERNING BODY.

AYES: Elmer Tretten, Frank Shepard, Paul Jeglum, Dave Stone

NOES:

ABSTAIN: Rich Machado

ABSENT:

Original signature on file

Elmer Tretten – Board Chairman

I hereby certify that the foregoing is a true and correct copy of the PECSD Water Use and Conservation Ordinance, adopted by the Board of Directors at the Board Meeting held on February 11, 2015.

Original signature on file

Heather Kotrc

Clerk to the PECSD Board of Directors