

## **ARTICLE 7. CONSERVATION MEASURES**

### **7.1 General**

It is the District's Policy to take reasonable and prudent measures to conserve water and energy in the operations and development of the District. The District in its operation shall:

1. Develop pricing structures to encourage conservation of water and energy.
2. Promote through public relations a public consciousness of the need to conserve.
3. Assist customers to optimize efficient use of water.
4. Maintain facilities to conserve water.
5. Design facilities with conservation of water and energy in mind.
6. Construct facilities to conserve or retrieve water and energy.
7. Seek to halt all illegal use of water.

### **7.2 Phased Water Conservation Programs**

The District shall have the power to restrict use of District water during any shortage or other emergency, upon the making of any findings or the taking of any other actions that may be authorized or required by law, including Sections 350-359 and 71640-71644 of the Water Code.

#### **7.2.1 Phase I – Ongoing Water Conservation**

The District will implement the following conservation measures on an ongoing basis:

1. Education programs.
2. Promotion of water-saving landscaping.
3. Community education programs.
4. Requirement of low-flow fixtures in new developments.
5. Meter and/or flow control for all customer accounts and plant production activities.
6. Maintain tiered water rates for treated water.
7. Prohibit wasteful use of water.
8. Review for accuracy water measuring and/or metering devices.

### **7.2.2 Phase II – Voluntary Conservation Measures**

If the District Board of Directors determines that there is a potential threat of an emergency or water shortage based on forecasted precipitation, snowpack and reservoir levels, or if Tuolumne Utilities District calls for Phase II conservation measures, the District Board of Directors shall adopt a resolution that:

1. Declares a threat of emergency or shortage exists; and
2. Identifies a water reduction goal; and
3. Implements Phase II conservation measures immediately.

Phase II conservation measures include:

1. Increase public awareness.
2. Prohibit fire hydrant flow testing.
3. Restaurants shall serve water only upon customer request.
4. Voluntary customer water usage reduction:  
Notify water customers of low water year, request reduction from previous year's usage, and provide information on conservation methods.
5. Contact high water users:  
Contact highest water users to encourage use of water conservation methods.

### **7.2.3 Phase III – Mandatory Water Conservation Measures**

If the District Board of Directors determines that an emergency or water shortage exists based on forecasted precipitation, snowpack and reservoir levels, or if Tuolumne Utilities District calls for Phase III conservation measures, the District Board of Directors shall adopt a resolution that:

1. Declares a state of emergency for the District service area until such time that the Board of Directors determines that conditions no longer merit Phase III conservation measures; and
2. Identifies a water reduction goal; and
3. Implements Phase III conservation measures immediately.

The meeting to consider the resolution must be a public hearing, providing customers the opportunity to be heard regarding the declaration of water shortage emergency conditions.

Phase III conservation measures include (in addition to Phase II measures):

1. Water reduction goal:  
Establish a Phase III water reduction goal based on severity of the emergency, for approval by the District Board of Directors. If Tuolumne Utilities District has declared Phase III conservation measures, the District's water reduction goal must match or exceed the water reduction goal

identified by Tuolumne Utilities District. The water reduction goal may be updated as conditions change.

The water reduction goal is defined as a percent reduction of the prior year's water usage. The water reduction goal may not exceed 50%.

2. Landscape watering restrictions:
  - a. Watering of lawns, gardens and other outdoor vegetation by use of irrigation systems, hoses, faucets or other outlets connected to the public water supply is prohibited, unless specified otherwise below.
  - b. Individual garden plants or trees may be irrigated only by the use of buckets, containers or properly maintained irrigation drip systems.
  - c. Watering lawns is allowed whenever the reduction goal is 40% or less.
  - d. Landscape watering allowed under this section may only be undertaken at the following times:
    - i. Properties with addresses ending in an even number may irrigate only on Thursday and Sunday.
    - ii. Properties with addresses ending in an odd number may irrigate only on Wednesday and Saturday.
    - iii. Irrigation may only occur between 7:00 p.m. and 9:00 a.m.
  - e. Irrigation which results in water running onto driveways, gutters, streets, adjoining property, and/or any other water runoff is prohibited.
3. Washing of cars, boats, trailers, equipment or other vehicles by hose or by use of water directly from faucets or outlets connected to the public water supply is prohibited. Washing such vehicles may occur at District-approved commercial washing facilities that utilize water recycling capabilities.
4. Washing of sidewalks, walkways, driveways, patios, parking lots, graveled areas, tennis courts or other hard-surfaced areas, including commercial establishments, by hose or by use of water from faucets or other outlets connected to the public water supply is prohibited.
5. New construction service applications shall be granted upon condition that water shall be used only for interior purposes and landscaping that does not require watering. Any landscaping requiring the use of water shall be delayed until repeal of Phase III restrictions.
6. Use of water in decorative fountains, pools, recreational ponds and the like shall be limited to the minimum necessary to preserve aquatic life if present.
7. Use of water for dust control, earth compaction, and other outdoor construction activities is prohibited.
8. Filling of new or existing swimming pools, spas and recreation ponds is prohibited.
9. Fire hydrants shall be used only for emergency purposes.

- 10. Leak Restrictions:
  - a. Allowing any plumbing system leak to remain un-repaired, without reasonable cause, for seven calendar days following written notification by the District is prohibited.
  - b. Failure to repair leaks as specified is subject to the following special enforcement:
    - i. Water service will be shut off until such time that leak(s) are repaired.
    - ii. Reinstatement of water service will be subject to the fees listed on the District's most current rate schedule.

- 11. Excessive Water Use:
  - a. Excessive water use, without reasonable cause, is prohibited.
  - b. Excessive water use is defined as monthly water use that exceeds a certain percentage of the prior year's usage for the same month. This percentage varies based on the reduction goal and is determined by the following chart:

Reduction Goal	Excessive Use Percentage
20 to 25%	90%
30 to 35%	85%
40 to 45%	80%
50%	75%

Example: If the reduction goal is 40%, excessive water use is monthly use that exceeds 80% of last year's monthly use.

- c. Monthly water use less than 3,000 gallons will not be considered excessive.
- d. Commercial and industrial customers may contact the District to discuss the individual water needs required to maintain their business.
- e. Excessive water use is subject to the following special enforcement:
  - i. First Violation. Payment of a \$50 penalty.
  - ii. Second Violation. Payment of a \$100 penalty and customer's service will be restricted by a flow restriction device for 30 days.
  - iii. Third Violation. Payment of a \$500 penalty and customer's water service will be restricted by a flow restriction device until the Board of Directors repeals the state of emergency or threat of emergency or shortage.
  - iv. Continued Violation. Payment of a \$500 penalty and continued water service restriction. District may pursue misdemeanor charges pursuant to Water Code 71644, resulting in 30 days in jail, or a \$600 fine, or both.

#### **7.2.4 Phase IV – Mandatory Water Conservation Measures for Extreme Emergency**

If the District Board of Directors determines that an extreme emergency or water shortage exists based on forecasted precipitation, snowpack and reservoir levels, or an emergency event, or if Tuolumne Utilities District calls for Phase IV conservation measures, the District Board of Directors shall adopt a resolution that:

1. Declares a state of emergency for the District service area until such time that the Board of Directors determines that conditions no longer merit Phase III conservation measures; and
2. Identifies a water reduction goal; and
3. Implements Phase IV conservation measures immediately.

The meeting to consider the resolution must be a public hearing, providing customers the opportunity to be heard regarding the declaration of water shortage emergency conditions.

Phase IV conservation measures include (in addition to Phase III measures):

1. Water reduction goal:  
Establish a Phase IV water reduction goal based on severity of the emergency, for approval by the District Board of Directors. If Tuolumne Utilities District has declared Phase IV conservation measures, the District's water reduction goal must match or exceed the water reduction goal identified by Tuolumne Utilities District. The water reduction goal may be updated as conditions change.  
The water reduction goal is defined as a percent reduction of the prior year's water usage. The water reduction goal may not exceed 50%.
2. Immediately notify appropriate media outlets, and post local road signage notifying the public of the current water use restrictions.
3. Landscape/outdoor watering by hose or by use of water directly from faucets or outlets connected to the public water supply shall be strictly prohibited.
4. New construction services shall not be started until after the repeal of Phase IV restrictions.
5. Excessive Water Use:
  - a. Excessive water use, without reasonable cause, is prohibited.
  - b. Excessive water use is defined as monthly water use that exceeds a certain percentage of the prior year's usage for the same month. This percentage varies based on the reduction goal and is determined by the following chart:

Reduction Goal	Excessive Use Percentage
20%	90%
25%	85%
30%	80%
35%	75%
40%	70%
45%	65%
50%	60%

Example: If the reduction goal is 40%, excessive water use is monthly use that exceeds 70% of last year's monthly use.

- c. Monthly water use less than 3,000 gallons will not be considered excessive.
- d. Commercial and industrial customers may contact the District to discuss the individual water needs required to maintain their business.
- e. Excessive water use is subject to the following special enforcement:
  - i. First Violation. Payment of a \$50 penalty and customer's service will be restricted by a flow restriction device for 30 days.
  - ii. Second Violation. Payment of a \$100 penalty and customer's water service will be restricted by a flow restriction device until the Board of Directors repeals the state of emergency or threat of emergency or shortage.
  - iii. Third Violation. Payment of a \$500 penalty and continued water service restriction. District may pursue misdemeanor charges pursuant to Water Code 71644, resulting in 30 days in jail, or a \$600 fine, or both.

### 7.3 **Enforcement**

In addition to any and all lawful remedies, violations of this section shall result in the following penalties, unless special enforcement measures are otherwise specified:

1. First Violation:  
Customer will receive a written warning from the District that a further violation will result in water restrictions and penalties.
2. Second Violation:  
Customer's water service will be restricted by a flow restriction device for 30 days. The device will be removed upon payment of the reconnection fee established in the District's Schedule of Rates and Charges.
3. Third Violation:  
Customer's water service will be restricted by a flow restriction device until the Board of Directors repeals the state of emergency or threat of emergency or

shortage and upon payment of the reconnection fee established in the District's Schedule of Rates and Charges.

**7.4 Variances**

Variances may be granted from any of the above regulations by the General Manager upon application in writing stating the detailed circumstances meriting special consideration. Appeals of decisions by the General Manager may be taken to the Board of Directors.

**7.5 Low Water Use Plumbing Fixtures Required**

All applicants for new water service connections for new construction shall be required to furnish proof of installation in residential, commercial and/or industrial buildings, ultra-low flow toilets with a maximum tank size or flush capacity of 1.6 gallons and shower heads with a maximum flow capacity of 3 gallons per minute.

**PASSED AND ADOPTED**, by the Board of Directors of Twain Harte Community Services District, County of Tuolumne, State of California at their Special Meeting of said Board held on February 25, 2014 by the following vote:

AYES: *Sipperley, Johnson, Knudson, Jordan*

NOES:

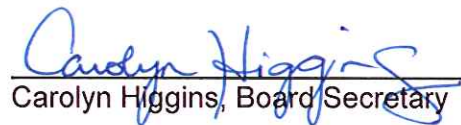
ABSENT: *Maxwell*

ABSTAIN:



Gary Sipperley, Board President

ATTEST:



Carolyn Higgins, Board Secretary