

ORDINANCE 2014-01

Ordinance Updating the

Union Public Utility District's

Mandatory Water Conservation Plan

In order to conserve Union Public Utility 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, Union Public Utility District adopts the following regulations and restrictions on the delivery and use of water within the Union Public Utility 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The following water conservation requirements are effective at all times and are permanent, unless rescinded by the action of the Board of Directors.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 area 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 hose 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, cafe, 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 Jan. 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) 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 this section.

- b) Additional Water Conservation Measures: In addition to the "Permanent Water Conservation Requirements," 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 7 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 a 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 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) 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 7 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 a 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 two 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) 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 notifies 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 a 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 2 gallons of water per hour subject to the hour restrictions of 6 p.m. to 7 a.m. on any day (prohibited between the hours of 7 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 grounds, 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 7 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 Stage # 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 UPUD 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

to the District before the device is removed. Nonpayment will be subject 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.

XI. Rescinding of Ordinance #77-1 and Revising with Ordinance 2014-01

- a) This Ordinance shall supersede Ordinance #77-1 and shall take effect immediately from the date of its adoption.

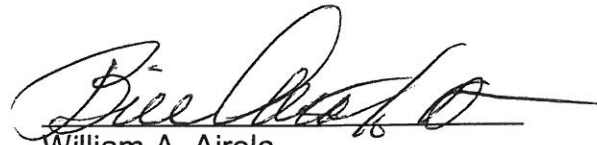
Passed and adopted this 19th day of March, 2014 by the following vote:

AYES: Directors Airola, Oneto, Quincy, Rasmussen and Chick

NOES: None

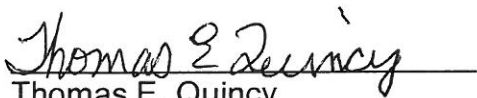
ABSTAIN: None

ABSENT: None



William A. Airola
President of the Board of Directors
of Union Public Utility District

Attest:



Thomas E. Quincy
Secretary of the Board of Directors
Of Union Public Utility District