
ORDINANCE NO. 2015-01

AN ORDINANCE OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT PRESCRIBING RULES AND REGULATIONS GOVERNING WATER CONSERVATION AND WATER SHORTAGES

WHEREAS, California Constitution article X, section 2 provides that because of conditions prevailing in the state of California (the "State"), the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code sections 350 and 31020, and Section 4.14.010 of Chapter 4.14 of the Rio Linda/Elverta Community Water District Policy Manual, the Board of Directors (the "Board") of the Rio Linda/Elverta Community Water District (the "District") is authorized to declare (i) a water shortage when it determines that it will or may not be able to meet all of the water demands of its customers; and (ii) a water shortage emergency when it determines that the District will not be able to or cannot meet the ordinary demands and requirements of water consumers without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection, and as more fully set forth in this Ordinance (a "Water Shortage"); and

WHEREAS, It is necessary for the District to adopt and implement drought response measures and a water conservation and regulatory program to regulate the water consumption activities within the District and ensure that the water delivered in the District is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, pursuant to California Water Code sections 375, 31020, 31026-31028, the District is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water conservation and regulatory program to: (i) prohibit the wastage of District water or the use of District water during such period; (ii) prohibit use of water during such periods for specific uses which the District may from time to time

find nonessential; and (iii) reduce and restrict the quantity of water used by those persons within the District for the purpose of conserving the water supplies of the District; and

WHEREAS, the District hereby finds and determines that pursuant to the provisions of this Ordinance and Chapter 4.14 of the District Policy Manual the District shall: (i) implement drought response and water conservation measures; (ii) regulate the water consumption activities of persons within the District for the purposes of conserving and protecting the District's water supplies, reducing the quantity of water consumed, and deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources; and (iii) establish and collect regulatory fees as set forth herein to accomplish these purposes and recover the costs of the District's water conservation and regulatory program; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to codify the rules and regulations governing its actions, and the actions of persons within the District during declared water shortages, the current Water Shortage, and any future Water Shortage; and

WHEREAS, the Board of Directors hereby finds that this Ordinance supersedes Ordinance No. 2008-01 regarding the Water Shortage requirements.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Rio Linda/Elverta Community Water District as follows:

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Declaration of Policy.

(a) The Board finds and determines that during periods of drought, Water Shortage, or water emergency the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public welfare.

(b) This Ordinance establishes water conservation and drought response measures and regulations to be implemented during declared water conservation stages.

(c) This ordinance establishes five stages of water conservation and drought response measures to be implemented by the District, with increasing restrictions on water use in response to worsening drought conditions and decreasing water supplies.

Section 3. Definitions.

For the purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

(a) “Greywater” means household wastewater other than toilet waste.

(b) “Person” means any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the City, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

(c) “Property owner” means the record owner of real property based on the County Assessor’s records.

(d) “Water customer” or “customer” means a person who, according to the District’s records, receives water service to a parcel of property.

Section 4. Application.

(a) The provisions of this Ordinance shall apply to all persons and property served by the District wherever situated.

(b) Nothing in this Ordinance is intended to affect or limit the ability of the District to respond to an emergency, including an emergency that affects the ability of the District to supply water.

Section 5. Water Conservation – Normal Water Supply.

“Normal Water Supply” applies during periods when the District is able to meet all of the water demands of its customers. Water is a limited natural resource and must be used efficiently and economically to meet the health and safety needs of the community. All normal water efficiency programs and water conservation regulations of the District will be in full force and effect during Normal Water Supply conditions. All water conservation measures and elements of Water Conservation Stage 1 “Water Alert”, as defined herein, shall apply on a voluntary basis during Normal Water Supply conditions.

(a) It is unlawful for any person to make, cause, or use or permit the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provisions of this Ordinance, or in an amount in excess of that use permitted by the following water conservation stages which are in effect pursuant to action taken by the Board in accordance with this Ordinance.

(b) It is unlawful at any time for any person to waste water or to use it unreasonably. Unreasonable uses of water shall include, but are not limited to, the following practices:

(1) Allowing water to leave the customer's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;

(2) Failing to fix leaks or faulty sprinklers within 7 days of detection; and

(3) Discourage using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards.

(4) Decorative water features (water fountains) etc. must recirculate water and shall be leak proof.

(5) All landscape shall be watered during cooler morning and evening hours to reduce evaporation and minimize landscape runoff.

(6) No landscape watering shall occur while it is raining or snowing or for 48 hours thereafter.

(7) Use a shutoff nozzle on hoses.

(8) Unauthorized use of hydrants is prohibited. Authorization for use must be obtained from the District.

(9) Commercial industrial, institutional equipment must be properly maintained and in full working order.

(10) Encourage customers to wash only full loads when washing dishes or clothes.

(11) Encourage customers to use pool covers to minimize evaporation.

(12) Encourage restaurants to serve water only on request.

(13) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such washings are exempted from these regulations where

the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(c) A water conservation stage shall be determined by the Board in accordance with the provisions of this Ordinance and shall remain in full force and effect until otherwise determined or discontinued by the Board. The provisions of sections 4.14.010 thru 4.14.200 of Chapter 4.14 of the District Policy Manual are hereby incorporated by reference into this Ordinance and are applicable during any water conservation stage.

(d) During Normal Water Supply conditions, the water conservation and drought response measures are voluntary and will be enforced through local and regional public education and awareness measures by the District.

(e) During Water Conservation Stages 1 through 4, the water conservation and drought response measures are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as specified in this Ordinance and the District Policy Manual.

Section 6. Water Conservation Stage 1 - Water Alert.

(a) Water Conservation Stage 1 is also referred to as a "Water Alert" and applies during periods when a reasonable probability exists that the District will not be able to meet all of the water demands of its customers. Water Conservation Stage 1 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are unavailable; and (iv) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some other regulatory body.

(b) The objective of the measures undertaken in Water Conservation Stage 1 is to reduce water system consumption within the District by twenty percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Normal Water Supply conditions shall be in full force and effect during Water Conservation Stage 1. Upon declaration of a Water Conservation Stage 1 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) The District shall determine the total amount of water delivered to the property of each District customer in the prior fiscal year (the "Base Year Consumption Amount"). Water customers shall reduce their water consumption by 20

percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 1. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 1 for more than twelve months.

(2) Lawns and/or ground covers may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated days:

(A) Lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with odd number street addresses only on Saturdays, Mondays, and Wednesdays;

(B) Lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with even number street addresses only on Sundays, Tuesdays, and Thursdays;

(C) Watering lawns and/or ground cover and irrigating landscaping/pastures is prohibited on Fridays and

(D) Plant containers, trees, shrubs and vegetable gardens may be watered additional days using only drip irrigation or hand watering.

(3) All irrigation timers shall be adjusted to comply with the provisions of Section 6(c)(2) hereof.

(4) Notwithstanding the provisions of Section 7(c)(2) herein, the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(5) Prohibit using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards.

Section 7. Water Conservation Stage 2 - Water Warning.

(a) Water Conservation Stage 2 is also referred to as a "Water Warning" and applies during periods when the District will not be able to meet all of the water demands of its customers. Water Conservation Stage 2 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are

unavailable; and (iv) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some regulatory body.

(b) The objective of the measures undertaken in Water Conservation Stage 2 is to reduce water system consumption within the District by thirty percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Normal Water Supply conditions and Water Conservation Stage 1 shall be in full force and effect during Water Conservation Stage 2. Upon declaration of Water Conservation Stage 2 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by thirty percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 2. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 2 for more than twelve months.

(2) Lawns and/or ground cover may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated days:

WARM/DRY SEASON (Typically May thru October)

(A) Lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with odd number street addresses only on Saturdays and Wednesdays;

(B) Lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with even number street addresses only on Sundays and Thursdays; and

(C) Watering lawns and/or ground cover and irrigating landscaping/pastures is prohibited on Mondays and Fridays.

(D) Plant containers, trees, shrubs and vegetable gardens may be watered additional days using drip irrigation or hand watering.

COOL/WET SEASON (Typically November thru April)

(A) Turf shall not be watered unless utilizing non potable water during extended dry spells.

(B) Plant containers, trees, shrubs and vegetable gardens shall be watered only by drip irrigation or hand watering.

(3) Notwithstanding the provisions of Section 7(c)(2) herein, the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(4) Irrigation timers shall be adjusted to comply with the provisions of Section 7(c)(2) hereof.

(5) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only on watering days with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by an amount determined by the Board. Further, such washings are exempt from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(6) The overfilling of swimming pools and spas is prohibited.

(7) The operation of any ornamental fountain or similar structure is prohibited.

(8) A new meter shall be issued only when a meter is returned. Construction projects requiring water from a construction meter or a water truck shall not use water unnecessarily for any purposes other than those required by regulatory agencies. Construction projects requiring water for new landscapes shall adhere to the designated days and times as set forth in Section 7(c)(2) hereof. Further, construction projects necessary to maintain the health, safety, and welfare of the public are exempt from these regulations.

Section 8. Water Conservation Stage 3. - Water Crisis.

(a) Water Conservation Stage 3 is also referred to as a "Water Crisis" and applies during periods when the District will not be able to meet all of the water demands of its customers. Water Conservation Stage 3 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are unavailable; (iv) groundwater levels or groundwater quality is approaching levels which

may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some other regulatory body; and (v) a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State or District water facilities.

(b) The objective of the measures undertaken in Water Conservation Stage 3 is to reduce water consumption within the District by forty percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Normal Water Supply conditions, Water Conservation Stages 1, and 2 shall be in full force and effect during Water Conservation Stage 3. Upon declaration of a Water Conservation Stage 3 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by forty percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 3. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 3 for more than twelve months.

(2) The Board shall have the option of temporarily imposing a drought surcharge as noted in the water rate ordinance to address Water Crisis related costs.

(3) Irrigation of landscaping and pastures shall be limited to supporting minimal survival of trees and shrubs. Landscaping and/or pastures may be irrigated, including construction meter irrigation, only during the following designated days:

WARM SEASON (Typically May thru October)

(A) Properties with odd number street addresses may irrigate landscaping and pastures only on Saturdays;

(B) Properties with even number street addresses may irrigate landscaping and pastures only on Sundays; and

(C) Irrigating landscaping and pastures is prohibited on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays.

(D) Plant containers, trees, shrubs and vegetable gardens may be watered additional days by drip irrigation or hand watering.

COOL SEASON (Typically November thru April)

(A) Turf shall not be watered unless utilizing non potable water during extended dry spells.

(B) Plant containers, trees, shrubs and vegetable gardens shall be watered only by drip irrigation or hand watering.

(4) Notwithstanding the provisions of Section 8(c)(2) herein, the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(5) All outdoor watering and irrigation of lawns and ground covers is prohibited with the exception of plant materials classified and determined by the District General Manager to be rare, or essential to the well being of the public at large or livestock, and as otherwise provided in Section 12.

(6) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash. Further, such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(7) The filling, refilling, or adding of water to swimming pools, spas, ponds, streams, and artificial lakes is prohibited unless required for public health and safety purposes.

(8) The use of water for cooling mists is prohibited.

(9) The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined by the Board.

(10) No new construction meters will be issued. Construction water shall not be used for earthwork, road construction purposes, dust control, compaction, or trenching jetting. Construction projects necessary to maintaining the health, safety, and welfare of the public are exempt from these regulations.

(11) Except property for which a building permit has been heretofore issued, no new connection permits shall be provided, except in the following circumstances:

(A) Projects necessary to protect the public's health, safety, and welfare;

(B) When using reclaimed water; or

(C) When the recipient of the building permit can demonstrate that no net increase in water use will occur.

Section 9. Water Conservation Stage 4 – Water Emergency.

(a) Water Conservation Stage 4 is also referred to as a “Water Emergency” and applies during periods when the District will not be able to meet all of the water demands of its customers. Water Conservation Stage 4 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are unavailable; (iv) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some regulatory body; and (v) a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State or District water facilities and the District cannot meet all of the water demands of its customers.

(b) The objective of the measures undertaken in Water Conservation Stage 4 is to reduce water consumption by fifty percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Normal Water Supply conditions, Water Conservation Stages 1, 2, and 3, shall be in full force and effect during Water Conservation Stage 4. Upon declaration of a Water Conservation Stage 4 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by fifty percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 4. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 4 for more than twelve months.

(2) All outdoor watering and irrigation of lawns and ground cover, and landscaping and pastures is prohibited with the exception of the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(3) The District shall not allow any new connections to the water system during Water Conservation Stage 4.

Section 10. Mandatory Conservation Phase Implementation.

The District General Manager, or his or her designee, shall monitor the projected supply and demand for water by its customers on a daily basis during periods of a Water Shortage or drought and shall recommend to the Board the extent of the conservation required through the implementation and/or termination of particular water conservation stages to prudently plan and supply water to its customers. Thereafter, the Board may order the implementation or termination of the appropriate water conservation stage. The declaration of any stage beyond normal water conservation conditions shall be made by public announcement and shall be published a minimum of one (1) time for three (3) consecutive weeks in a weekly newspaper of general circulation. Such declaration and notice shall provide the extent, terms, and conditions respecting the use and consumption of water in accordance with the applicable water conservation stage as provided in this Ordinance. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given each and every person supplied water within the District. The water conservation stage designated shall become effective immediately upon announcement.

Section 11. Enforcement

(a) It shall be unlawful for any person to violate the provisions of this Ordinance. Violations of these provisions shall be a misdemeanor subject to imprisonment in the county jail for not more than 30 days or by fine not to exceed \$1,000, or by both as provided in California Water Code sections 377 and 31029, and as set forth in this Ordinance. The District can alternatively seek injunctive relief in the Superior Court or pursue any other remedy at law to enforce the provisions of this Ordinance. In addition to any other remedies which the District may have for the enforcement of this Ordinance, including the nuisance abatement lien process included in Chapter 4.23 of the District's Policy Manual, service of water may be discontinued or appropriately limited to any customer who uses water in violation of any provision of this Ordinance and as set forth in this Ordinance.

(b) Each day that a violation of this Ordinance occurs is a separate offense.

(c) For the first violation of any provision of this Ordinance, within two weeks of the violation:

(1) The District shall send a District water conservation specialist or provide written notice to the property where the violation occurred to advise the person responsible for the violation of: (A) the water conservation stage then in effect and the provisions of this Ordinance relating thereto; (B) water conservation and drought response measures that are required and may be implemented pursuant to this Ordinance; (C) possible consequences of future violations of this Ordinance, including discontinuance of water service; and (D) penalties that may be imposed for the specific violation and any future violations of this Ordinance; and

(2) If the District Manager deems it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any person who violates any term or provision of this Ordinance.

(d) For a second or any subsequent violation of this Ordinance within a 12 month period:

(1) The District shall impose fines as follows:

(A) For the second violation of this Ordinance within a 12 month period, the District shall impose a fine of Fifty Dollars (\$50).

(B) For the third violation of this Ordinance within a 12 month period, the District shall impose a fine in the amount of Seventy Five Dollars (\$75).

(C) For a fourth and all subsequent violations of this Ordinance within a 12 month period, the District shall impose a fine of One Hundred Twenty Five Dollars (\$125).

(2) The District shall send a District water conservation specialist or provide written notice of violation to the property where the violation occurred to notify the person at the property of: (A) the water conservation stage then in effect and the provisions of this Ordinance relating thereto; (B) the water conservation and drought response measures that are required and may be implemented by such person; and (C) possible consequences which may occur in the event of any future violations of this Ordinance;

(3) If the District Manager deems it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any person who violates any term or provisions of this Ordinance;

(4) If the District Manager deems it to be appropriate, the District may discontinue water service at the location where the violation occurred;

(5) If a flow restrictor is installed at the property where the violation occurred, the District shall impose a penalty per current Rate Ordinance for the

installation and removal of any flow restrictor installed by the District to restrict the amount of water delivered to a person who has violated this Ordinance; and

(6) If water service is discontinued at the property where the violation occurred, the District shall impose a reconnection penalty per the current rate Ordinance, as fixed from time to time by the Board, if the person requests to reconnect the property to the water system;

(7) The District shall impose any other penalties, as fixed from time to time by the Board, for a violation of this Ordinance or in accordance with California Water Code sections 377 and 31029.

(8) If available there is an option of going to water school in lieu of paying the first penalty. Water school may be attended once per year,

(e) The District may, after one written notice of violation pursuant to this Section 11, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring. The District may impose a meter reading fee for each meter reading it conducts pursuant to this Ordinance.

(f) In order to recover the costs of this water conservation regulatory program, the Board may, from time to time, fix and impose fees for:

(1) Any visits of a water conservation specialist or other District staff for time incurred or for meter reading, follow-up visits, or the installation of a flow restrictor device;

(2) Enforcing any term or provision of this Ordinance;

(3) Reinitiating service at the property where service has been discontinued pursuant to this Ordinance; and

(4) Processing any fees necessary to carry out the provisions of this ordinance.

(g) The District hereby adopts the penalties set forth in Exhibit A to this Ordinance, attached hereto and by this reference incorporated herein, for violations of this Ordinance. Such penalties and fees may be fixed and amended from time to time by resolution of the Board.

(h) The failure of any person with an interest in the property to receive any notice served in accordance with this Ordinance shall not affect the validity of any proceedings taken under this Ordinance. The notice requirements in this Section do not apply to initial notices of violation which may be sent by regular mail. Service of a notice of violation by regular mail is effective on the date of mailing.

- (i) All remedies provided herein shall be cumulative and not exclusive.

Section 12. Variances.

Consideration of written applications for variances regarding the regulations and restrictions on water use set forth in this Ordinance may be made by the District.

(a) Written applications for variances shall be accepted, and may be granted or denied, by the General Manager (the "Approving Authority"), at his or her sole discretion, or by his or her designee at his or her sole discretion. The application shall be in a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount as determined by the Board.

- (b) The grounds for granting or conditionally granting a variance are:

(1) Due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to other District water users generally or to similar property or classes of water users; or

(2) Failure to grant a variance would adversely affect the health, sanitation, fire protection, or safety of the applicant or the public.

(c) The application for a variance shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant's request, including a statement by the applicant.

(d) An application for a variance shall be denied unless the Approving Authority finds, based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

(1) That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

(2) That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on (A) the property or use that exceeds that customers generally, or (B) the applicant's health that exceeds customers generally.

(3) That the authorization of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this Ordinance and will not be detrimental to the public interest.

(4) That the condition or situation of (A) the subject property or the intended use of the property for which the variance is sought is not common, recurrent, or general in nature, or (B) the applicant's health or safety is not common, recurrent, or general in nature.

(e) The denial or grant of a variance shall be acted upon within fifteen (15) days of the submittal of the complete application, including any photographs, maps, drawings, and other information substantiating the applicant's request and the statement of the applicant. The application may be approved, conditionally approved, or denied. The decision of the Approving Authority shall be prepared in writing, include terms and conditions, if any, and promptly sent to the applicant.

(f) The denial of a request for a variance may be appealed in writing to the District Board of Directors. An appeal shall be made in accordance with the following procedures:

(1) The person appealing the denial of the variance ("appellant") shall complete and submit in writing a form provided by the District for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to the District Secretary within thirty (30) calendar days of the date of the notice of the denial of the request for a variance.

(2) The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the hearing shall be held at the following regularly scheduled Board of Directors meeting. A notice of the hearing shall be mailed to the appellant at least ten (10) calendar days before the date fixed for the hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive. Notice of the determination by the Board of Directors shall be mailed to the appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the variance, if any, granted to the appellant. If the appeal is denied, the appellant shall comply with all terms and conditions of this Ordinance and the applicable water conservation stage then in effect.

(3) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

Section 13. Conflicting Provisions.


If provisions of this Ordinance are in conflict with each other, the District Policy Manual, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 14. Severability.

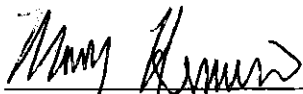
If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

APPROVED AND ADOPTED by the Board of Directors of the Rio Linda/Elverta Community Water District on this 21th day of December 2015.

AYES, in favor hereof: Dills, Harris, Green, Anderson and Ridilla
NOES: None
ABSTAIN: None
ABSENT: None



John Ridilla, President
Board of Directors

Attest: 

Board Secretary

EXHIBIT A
PENALTIES

<u>Description of Fee or Charge</u>	<u>Code Section</u> *	
Penalty for Violation Conservation Policy	§4.14.200	Second Violation: \$50.00 Third Violation: \$75.00 Fourth Violation: \$125.00