

**MARIPOSA PUBLIC UTILITY DISTRICT**

**AMENDED ORDINANCE #52  
PROHIBITION OF NONESSENTIAL WATER USE**

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIPOSA PUBLIC UTILITY DISTRICT AS FOLLOWS:

SECTION 1: The Board of Directors of the Mariposa Public Utility District hereby finds and determines that:

**WHEREAS**, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

**WHEREAS**, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to public health, safety and welfare; and

**WHEREAS**, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices provide an effective and immediately available means of conserving water; and

**WHEREAS**, California Water Code sections 375 et seq. empower any public entity which supplies water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

**WHEREAS**, Water Code section 375, subdivision (c) defines “public entity” to include a city, county, special district, water authority, or any other municipal public corporation or district; and

**WHEREAS**, Water Code section 377 establishes that, from the adoption of a resolution pursuant to section 376 until the repeal of the resolution or end of the emergency, it is a misdemeanor for any person to violate a requirement of the water conservation program; and

**WHEREAS**, the adoption and enforcement of a comprehensive water conservation program will be necessary for the Mariposa Public Utility District to meet minimum public water demands in the service area; and

**WHEREAS**, when a resolution proclaiming or declaring a drought emergency is adopted, the Mariposa Public Utility District (“proclaimed” or “declared”) the existence of a local drought emergency; and

April 7, 2015

**WHEREAS**, the rules, regulations and restrictions set forth in this Ordinance will conserve the water supply of the District for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

**WHEREAS**, the specific uses prohibited in this Ordinance are nonessential, if allowed would constitute waste of District water and should be prohibited pursuant to the District's power under Water Code Section 350 et seq., Water Code Section 71640 et seq., and the common law; and

**WHEREAS**, the rate increase and penalty rate structure hereinafter enacted is designed to discourage violations of the prohibitions hereinafter enacted and other nonessential or wasteful uses, encourage conservation, minimize peak load demands on District facilities, conserve the water supply of the District for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection, and to avoid the necessity of even more serious rationing measures; and

**WHEREAS**, the water use restrictions and usage allotments hereinafter established will spread the burden of restricted usage most equally and equitably over all consumers of District water regardless of the category or type of use, consistent with the District's ability to administer such restrictions and allotments, and

**WHEREAS**, the actions taken hereinafter are exempt from the provisions of the California Environmental Quality Act of 1970 as project undertaken as immediate action necessary to prevent or mitigate an emergency pursuant to Section 15071(c) of the State EIR Guidelines.

**SECTION 2: Definitions.** For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*"District,"* is the Mariposa Public Utility District.

*"District representative,"* means any full time employee of the District and members of the Board.

*"Customer,"* is any person using water supply by the Mariposa Public Utility District.

*"Board,"* is the Board of Directors of the Mariposa Public Utility District.

*"General Manager,"* is that person appointed by the Board as the General Manager.

*"Person,"* is any person, firm, partnership, association, corporation, company or organization of any kind.

*"Water"* or "public water," is the water from the Mariposa Public Utility District.

*"Permanent Resident,"* shall be defined as all persons whether adult or child, who reside in a dwelling, residence, house or apartment within the District on a permanent basis and shall exclude those who are visitors and guests.

**SECTION 3: Declaration of a water shortage**

**NOW, THEREFORE, BE IT ORDAINED** by the Mariposa Public Utility District, as follows:

April 7, 2015

This ordinance is effective immediately upon adoption of a resolution or as otherwise established by State law; and

Pursuant to Water Code section 376 and Government Code section 6061, the District shall publish in a newspaper of general circulation this ordinance adopting a water conservation program within 10 days after its adoption; and

This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

#### **SECTION 4: Water Use Restrictions - Stage 1**

During a Stage 1 - Drought Response condition, the following uses of public water supply is prohibited:

- A. Use of water from hydrants for construction purposes, fire training or any use other than the uses required for the proper maintenance of the public water distribution and wastewater collection systems by district staff.
- B. Use of public water through any meter when the consumer has been given ten (10) days notice to repair one or more leaks and has failed to achieve such repairs.
- C. Out of District water sales via mobile water transport vehicles.
- D. Use of public water for out of district fire suppression purposes after declaration of containment.
- E. Washing of sidewalks, walkways, driveways, parking lots, tennis courts, and all other hard-surfaced areas by hosing or by use of water directly from faucets or other outlets, except it is not unlawful to wash such areas from water contained in a bucket or container not exceeding three-gallon capacity.
- F. Service of water in glasses, cups, or other containers by restaurants to customers, except upon prior request of such customers.
- G. Irrigation of residential and commercial landscape between the hours of 8:00 a.m. and 6:00 p.m.
- H. The use of any hand-held hose not equipped with an automatic positive shut-off nozzle to water landscaped areas located on residential and commercial properties.
- I. Irrigation of nursery and commercial grower's products between the hours of 8:00 a.m. and 6:00 p.m. Watering is permitted at any time with a hand-held hose equipped with a

positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time.

- J. Operation of ornamental water features without re-circulating water systems.
- K. The use of any hand-held hose not equipped with an automatic positive shut-off nozzle to wash any equipment outside of structures, including motor vehicles, trailers, tractors etc.
- L. The application of public water on any premises in a manner that results in such water flows to, non-irrigated areas, adjacent properties, private and public walkways, roadways, parking lots and structures.

**SECTION 5: Water Use Restrictions - Stage 2** (*underline and strike outs of text indicate Ordinance #52 amendments*)

During a Stage 2 - Drought Response condition, all persons using Mariposa Public Utility District water shall comply with Stage 1 Drought Response water conservation practices during a Stage 2 Drought Alert, and shall also comply with the following additional mandatory conservation measures:

- A. Limit residential and commercial landscape irrigation with public water supplies to no more than ~~three~~two assigned days per week, ~~during the months of June through October on a schedule established by Board Resolution. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the Board.~~ This section shall not apply to commercial growers or nurseries.
- B. Repair all water leaks within seventy-two (72) hours of notification by MPUD unless other arrangements are made with the General Manager.
- C. Initial filling of swimming pools, or otherwise the full capacity of a pool over 2,500 gallons is prohibited.
- D. The washing of motor vehicles, trailers, airplanes, or boats by hosing or by use of water directly from faucets or other outlets, except:
  - 1. It is not unlawful to wash such motor vehicles, trailers, airplanes, or boats from water contained in a bucket or container not exceeding three-gallon capacity, and
  - 2. This subsection shall not be applicable to the washing of motor vehicles, trailers, airplanes or boats at commercial vehicle washing facilities operated at fixed locations.
- E. The application of water from public water supply to outdoor landscapes during and within 48 hours after measured rainfall is prohibited.

### SECTION 6: Water Use Restrictions - Stage 3

During a Stage 3 - Drought Response condition, all persons using Mariposa Public Utility District water shall comply with Stage 1 and Stage 2 Drought Response conditions and shall also comply with the following additional mandatory conservation measures:

- A. No washing vehicles except at commercial car washes that re-circulate water or by high pressure/low volume wash systems.
- B. Repair all water leaks within forty-eight (48) hours of notification by MPUD unless other arrangements are made with the General Manager.
- C. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless MPUD has determined that recycled water is available and may be lawfully applied to the use.
  - 1. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshall of the local fire protection agency having jurisdiction over the property to be irrigated;
  - 2. Maintenance of existing landscaping for erosion control and approved by the District;
  - 3. Maintenance of landscaping within active public parks and playing fields, provided that such irrigation does not exceed two (2) days per week between 8:00 PM and 8:00AM.

### SECTION 7: Water Use Restrictions - Stage 4

During a Stage 4 - Drought Response condition, all persons using Mariposa Public Utility District water shall comply with Stage 1, Stage 2 and Stage 3 Drought Response conditions and shall also comply with the following additional mandatory conservation measures:

- A. Residential use of water in excess of the following daily allotment is prohibited:
  - First or one permanent resident daily allotment - 100 gallons
  - Each additional permanent resident - 50 gallons

All other uses: 25% of the prior water use for the same period as determined by the District from its records. Where no such records exist, prior water use shall be deemed to be the average prior water use of similar existing services as determined by the District from its records.

VARIANCES: The District may (1) grant variances or uses of water otherwise prohibited or (2) adjust any consumer's bimonthly usage allotment, if they find and determine that to fail to do so would cause an emergency condition affecting health, sanitation, or fire protection of the applicant or the public; and may grant such adjustment in the case of a mixed residential and non-residential use if they find that such adjustment is necessary to place an equivalent allotment burden on said consumers.

ENFORCEMENT: In lieu of or in addition to the penalties provided for under California law for failure to comply with the prohibitions of this Ordinance a District representative may disconnect the service of any consumer for failure to comply with the foregoing rules. Such service shall be restored only after installation of a flow-restricting device on the consumer's service, and payment of (1) an installation charge therefore as fixed and determined by the Board from time to time, and (2) such turn-on charge fixed by the Board from time to time and payment of penalties assessed under section 6 of this ordinance.

SECTION 8: Fines and Penalties. Except as otherwise provided herein, violations of any provision of this Ordinance shall be addressed as follows:

<u>Violation</u>	<u>Classification</u>	<u>Penalty/Action</u>
First violation	Infraction	Warning
Second violation	Infraction	\$250.00
Third violation and subsequent violations within a 6-month period	Misdemeanor	\$500.00/termination of water service

Financial penalties shall become a part of the monthly water bill for the premises at which the violation occurred.

SECTION 9: Water Shortage Metered Water Rates

Upon declaration of a water supply shortage as provided in section 3, the district may adopt metered water rate adjustments by resolution to pay additional operating costs resulting from the effects of drought on the public water system. Additional costs include but are not limited to water development, monitoring of water restriction programs, energy costs related to additional ground water and surface water pumping and treatment costs.

SECTION 10: When Ordinance is effective.

The provisions of this Ordinance shall be in full force and effect only upon adoption by this Board of a declaration by resolution a water emergency condition prevails pursuant to California Water Code Section 350 and following. This Ordinance is hereby declared to be effective during the water shortage emergency, pursuant to the declaration by resolution of the Board of Directors.

The provisions of this Ordinance shall be of no further force or effect in any year in which a water shortage emergency is not declared or when the Board determines that a water shortage no longer exists, whichever occurs first. The Board may extend the effective date of the Ordinance in any year by adopting a resolution to that effect.

April 7, 2015

Violations of the requirements of this Ordinance shall constitute an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

SECTION 11: The District Clerk is hereby directed to publish this Ordinance for the period and in the manner required by law.

This Amended Ordinance was duly passed and adopted at a regular meeting of the Mariposa Public Utility District Board of Directors held on April 7, 2015 by the following vote:

AYES: Directors Enrico, Finney, McKnight and Radanovich

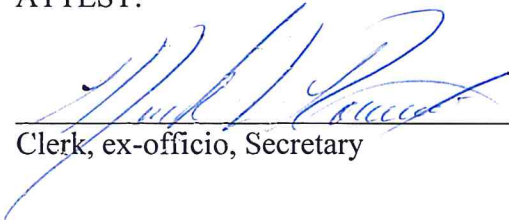
ABSENT: Director Bondshu

NOES: None



Chairman, Board of Directors  
Mariposa Public Utility District

ATTEST:



Clerk, ex-officio, Secretary

April 7, 2015