

McKinney Water District | El Dorado and Placer Counties

ORDINANCE 2010-3

General Policies & Standards Water Conservation and Drought Response

Section 1

General Policies Governing Water Conservation and Drought Response Standards

1.01 GENERAL

Ordinance 2010-2 of the McKinney Water District (hereinafter referred to as "District,") establishes water conservation requirements and drought response standards.

1.02 PURPOSE

The purpose of this ordinance is to preserve water resources, reduce the risk and severity of water shortages when a drought or natural disaster occurs, and establish a drought preparedness and response plan. The prevention of water waste is an environmentally sound way to protect, conserve and prevent unacceptable diminution of the District's water supplies while minimizing costs to the District and expenses to its customers. This Ordinance establishes drought response stages and measures to ensure that the water resources available TO THE District Are put to the maximum beneficial use, that unreasonable use or unreasonable method of use is prevented, and that conservation of water is accomplished in the interest of District customers and for the health, safety, and welfare of the public.

1.03 WATER WASTE PROHIBITED

No owner shall wastewater or cause, use, or permit the use of water received from the District for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this Ordinance. Mandatory drought response measures shall be implemented based on the declaration of drought response stages. No owner shall use water in quantities in excess of the use permitted by the conservation stage in effect pursuant to this Ordinance.

1.04 APPLICATION

This ordinance applies to all owners, customers, and users who occupy or control water use on any premise within the District water service area and to those water users and their customers whose parcels are within or outside of District boundaries and who receive service through a contract with the District.

1.04.1 CONTRACTED SALES

When the District enters into a contract for the sale of water to a public or private water system or entity, outside District boundaries, the system and its customers shall comply with all conditions contained herein. It shall be the responsibility of the system owner or the person signatory to the contract to ensure that all water conservation conditions are satisfied by their customer's.

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1.04.2 OWNER DEFINED

The term "Owner" as used in this Ordinance, shall mean parcel owner, customer, water user, the customer under contract, or their water customers.

1.05 AUTHORITY

Nothing contained within this Ordinance shall be construed to limit the authority of the Board of Directors to amend, supplement or change this Ordinance or any rules and regulations applicable thereto at any time.

1.06 EFFECTIVE DATE

This Ordinance shall become effective 30 days from the date of adoption, and the rates and schedules specified shall become applicable with the billing cycle following the effective date.

1.07 EXISTING CHARGES

Existing fees and charges in effect when this Ordinance is adopted shall remain in effect unless specifically changed by this Ordinance.

1.08 INTERPRETATION

The Board of Directors of the District is charged with the interpretation, regulation, and enforcement of the provisions of this Ordinance.

1.09 ADMINISTRATION

The provisions of this Ordinance shall be administered and enforced by the District who may delegate such enforcement to one or more employees or contractors of the District.

1.10 DETERMINATION OF CONSERVATION STAGE

Stage 1 applies to water served from the system. Stage 2 and Stage 3 Drought response stages will be determined based upon the water system's available supply. Drought Response Stages 2 and 3 shall be based on the supply and demand of available water within the system. Drought Response Stages 2 and 3 shall be determined by the Board of Directors.

1.11 VIOLATIONS

In Order to protect the health, safety, and welfare of the community, the District shall serve any Owner found to be violating a provision of this Ordinance with written notice, in accordance with Section 3, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction. If a violation is not corrected within the time limit prescribed, the Board of Directors shall exercise their authority to disconnect the water service from the District's system based upon the severity of the violation. Disconnect and reconnect fees shall be assessed per the District's fee schedule.

1.12 CONTACT INFORMATION

Failure to maintain current and correct emergency contact information may result in fees incurred described in section 4. Absentee owners, rental properties or persons traveling/working out of the area

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shall maintain a local contact number to avoid property damage/water loss. It is the responsibility of the owner to keep the District informed of any mailing address or phone contact number changes.

1.13 APPEALS TO THE BOARD OF DIRECTORS

Any person who is dissatisfied with any determination made by the McKinney Water District may at any time within 3 days after such determination, appeal to the Board of Directors by giving written notice to the Secretary of the Board of Directors. The appeal shall set forth the events and circumstances leading to the appeal. The nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on the appellant's property, together with any other reasons for the appeal.

The Secretary shall transmit to the Board of Directors a report upon the matter appealed. The Board of Directors shall cause written notice to be given at least 10 (10) days prior to the time fixed for hearing to all persons affected by such application of the time and place fixed by the Board of Directors for hearing such appeal. The board shall consider all testimony and make a decision, which shall be mailed to the appellant within 30 days of the date of the Board action. The Board of Directors may, at any time, upon its own motion, revise any previous determination.

If the dispute involves a number of charges, the appellant shall pay the amount disputed in full when the charges are due. Any charge paid under protest will be refunded to the appellant should the Board of Directors determine that the charges were wrongfully made.

WATER CONSERVATION DROUGHT RESPONSE STAGES

2.01 WATER CONSERVATION REQUIREMENTS - DROUGHT RESPONSE STAGE 1 NORMAL CONDITIONS
Owners shall not waste water and shall maintain all water service lines, from the point of delivery to the premises served, in good repair. Further, the Owner shall implement the following water conservation measures, under normal, non-emergency conditions.

2.01.2 Water Runoff

Use of potable water which results in flooding or runoff in gutters, streets or onto the adjacent property is not allowed.

2.01.3 Vehicle Wash

Automatic shutoff valves or nozzles will be used whenever a hose is used for cleaning vehicles, boats, and/or campers.

2.01.4 Cleaning Of Surfaces

Automatic shutoff valves or nozzles will be used whenever a hose is used for cleaning or clearing walkways, patios, decks, windows, driveways, parking areas, or other improved areas, whether paved or unpaved.

2.01.5 Construction Water

All water hoses used in connection with any construction activity shall be equipped with an automatic shutoff nozzle.

2.01.6 Landscape Irrigation

a) Winterization of Irrigation Systems

Operation of irrigation systems shall be discontinued and the property winterized by November 1st every year or earlier depending on temperatures.

b) Landscape Irrigation Controls on New Construction Irrigation Systems

Any new irrigation systems installed, in conjunction with new construction or complete reconstruction, within the District must be equipped with rain-sensing devices that will halt irrigation after a specified rainfall, and/or moisture sensors that use a probe in the soil to monitor soil water contents, and/or free sensors that turn off sprinkler valves when the temperature drops below a present level.

c) State Model Landscape Ordinance

All residential new construction shall conform with the requirements of the State of California Model Landscape Ordinance, Title 23, Division 2, California Code of Regulations, Chapter 2.7, or applicable local ordinances superseding the State ordinance.

2.01.7 Restrictions On Irrigation During Times Of Day, Precipitation, Or Low Temperatures.

Landscaping, lawns, and open ground must not be watered: (1) between the hours of 10:00 AM and 4:00 PM (2) at any time while it is raining or snowing, and/or (3) where the air temperature is less than 40 degrees Fahrenheit.

2.01.8 Filling any vessel over 1000 gallons must use the district hydrant and meter.

The nearest district fire hydrant must be used to fill any pool, spa, hot tub, or tank of any kind with a capacity of over 1000 gallons. The hydrant meter must be rented from the district. A deposit is required for the use of the hydrant meter, and the water used will be billed to the customer.

2.01.9 Indiscriminate Use

Owners shall not use water in a manner that is wasteful and without reasonable purpose.

2.01.10 Exceptions

The provisions of this section are not applicable to the uses of water that are necessary to protect public health and safety or for essential governmental services, such as police, fire, and other similar emergency services.

2.02 DECLARATION, IMPLEMENTATION AND TERMINATION OF DROUGHT RESPONSE STAGES 2 AND 3.

An emergency water conservation plan is necessary to minimize the effect of the water shortages that can arise on short notice during natural disasters or drought conditions. Upon declaration of Stage 2 or Stage 3 drought response, the Board President shall be authorized to implement and enforce any or all of the drought response measures identified herein.

Drought Response Stages 2 and 3 will be declared by the Board of Directors. In emergency situations the Board President may declare a Drought Response Stage 2 or 3 initially, to be followed up with the

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Board of Directors' declaration as soon as reasonably possible. Each drought response stage will be triggered by specific conditions related to the operating capacities of District water sources and the water distribution system. Examples may include but are not limited to severe local drought conditions, significant depletion of pumping capacity due to mechanical failure or aquifer depletion, major distribution system failures such as water or transmission main failure, water tank failure, natural disasters such as fire, weather or earthquake events, or long-term power outage. The drought response stage chosen will vary on the severity of the situation.

Following the declaration of any drought response stage, the District will implement appropriate response actions. If emergency conditions warrant the rationing or emergency conservation of water, Owners will be notified through a local media news release, public posting, and text notification. Implementation of Stage 2 or 3 may result in an increased level of monitoring by the District Agent to ensure compliance.

The District will continually monitor drought conditions and promptly recommend that the drought response stage level increase if conditions worsen. The Board President will rescind Stage 2 of Stage 3 levels if warranted by improved conditions.

2.03 WATER CONSERVATION REQUIREMENTS

DROUGHT RESPONSE STAGE 2 – SIGNIFICANT WATER SHORTAGE

In addition to Drought Response Stage 1 requirements, Stage 2 requires that:

2.03.1 Designated Irrigation Days Established

a) Properties with street addresses that end in an even number may irrigate only on Monday, Wednesday, and Friday; properties with street addresses ending in an odd number may irrigate only on Sunday, Tuesday, and Thursday.

There will be no irrigation permitted on Saturday. An individual irrigation zone in a property's irrigation system shall not irrigate more than 30 minutes per day unless the zone is irrigated exclusively by drip or other low-flow irrigation systems.

b) Irrigation exclusively utilizing drip systems shall be exempt from designated irrigation days. "Drip irrigation" means any non-spray low-volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low-volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

2.03.2 New Construction Landscaping

Notwithstanding any other provision of this ordinance, water used for irrigating landscaping for new construction shall be limited to new landscaping planted to comply with the Tahoe Regional Planning Agency's Best Management Practices (BMPs,) defensible space, or for any other reason, as follow:

- a) Newly planted sod will be exempt for forty-five (45) days from the date it was installed.
- b) Seeded lawns, whether by hydro-seed or other means, will be exempt for sixty (60) days from the date of application.
- c) Bedding plants, including annuals and perennials, will be exempt for fifteen (15) days from the date of planting.
- d) The property owner, or his/her designee, must notify the District verbally or in writing to obtain an exemption for the establishment of new vegetation as outlined above.

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2.04 WATER CONSERVATION REQUIREMENTS

DROUGHT RESPONSE STAGE 3 – WATER SHORTAGE EMERGENCY

A Stage 3 drought response is triggered by deterioration in local water system indicators in conjunction with a drought status above normal for the Lake Tahoe Basin, a failure of key water system components, and/or a failure to significantly reduce water demand in Stage 2.

During Stage 3, Drought Response Stages 1 and 2 restrictions apply and the Board may designate specific areas for further restrictions including, but not limited to irrigation use. The use of water for other than domestic use is prohibited.

SECTION 3

VIOLATIONS

3.01 NOTICE OF VIOLATION

If any person fails or refuses to comply with the provisions of this Ordinance, the District Secretary shall provide the person with written notice of the violation and an opportunity to correct the non-compliance. The written notice will:

- a) Be posted or presented at the site of the non-compliance
- b) Be mailed to the property owner
- c) State the time, date, and place of the violation
- d) Provide a general description of the violation
- e) State the means to correct the violation
- f) State a date by which correction is required
- g) State the possible consequences of failing to correct the violation

If the violation is not corrected to the District's satisfaction within the time specified, The District may restrict the water service to the property or disconnect the service. In addition to correcting the violation, the Owner will be billed administrative fees on their account.

3.02 PROCEDURES

3.02.1 First Violation

Following the adoption of this Ordinance, first violations will result in a friendly reminder in the form of a notice posted on or near the front door, personal contact with the customer, a phone call and/or a letter advising the Owner of the violation, in accordance with Section 3.01 (a) through (g).

3.01.2 Second Violation

For a second violation within one calendar year, the Owner will be notified in writing. If the correction is not made within ten (10) to thirty (30) days of the District's notice to the Owner (based upon the severity of the violation,) an administrative fee will be assessed in accordance with the District fee schedule. The fee shall be added to the owner's water service charges at the property where the violation occurred. If not corrected within thirty (30) days, a flow restrictor may be installed by the District.

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3.02.3 Third Violation

For a third violation within one calendar year, the Owner will be notified in writing. An administrative fee in accordance with the District's fee schedule will be added to the Owner's water service charges at the property where the violation occurred. If not corrected within ten (10) days of written notice, a flow-restricting device will be installed on the Owner's service connections, and the costs associated with the installation and removal will be billed on the Owner's monthly water billing.

3.02.4 Fourth Violation

For the fourth and subsequent violations within one calendar year, an administrative fee in accordance with the District's fee schedule shall be added to the Owners' water service charges at the property where the violation occurred. In addition, a flow-restricting device will be installed on the Owner's service connections, and the costs associated with the installation and removal will be billed to the Owner. If not corrected within (10) days of written notice, the District may discontinue the Owner's water service at the property where the violation occurred in accordance with District procedures. Reconnection shall only be permitted when there is reasonable protection against future violations as determined by the District.

3.03 ENFORCEMENT COSTS

The District may correct any violation of this Ordinance and bill the Owner for costs and expenses in enforcing the provisions of this Ordinance, including staff time for investigation and monitoring for compliance. If the Owners refuse to comply. Charges shall be added to the Owner's bill for the property where the enforcement costs were incurred. The District may also take such action as may be allowed by statute.

3.04 TERMINATION OF SERVICE

Failure to correct the violation may result in the termination of water service to the parcel on which the violation occurred.

SECTION 4

Fees

4.01 WATER CONSERVATION FEE SCHEDULE

Disconnect water service as a result of ordinance violation \$50.00 minimum, billed at actual cost.
Reconnection water service as a result of ordinance violation \$50.00 minimum, billed at actual cost.
Administrative fee – 2nd Violation \$50.00
Administrative fee – 3rd Violation \$100.00
Administrative fee – 4th Violation \$300.00
Additional monitoring, compliance enforcement, and/or contracted excavation/plumbing service costs – billed at the actual cost.

All Fees shall be added to the Owner's annual billing.

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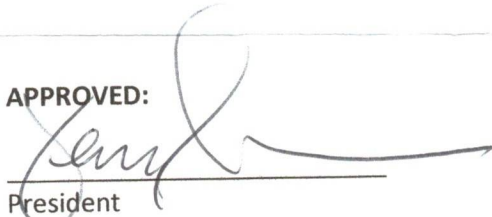
I hereby certify that the foregoing is a full, true, and correct copy of an Ordinance duly adopted and passed by the Board of Directors of the McKinney Water District, Placer and El Dorado counties, California at a meeting held on the 28th day of November 2022 by the following votes/

AYES: Swartfager, Dangler, Cotner, Noack, Arcidiacono

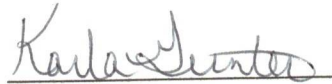
NOES: None

Absent: None

APPROVED:



President
McKinney Water District
Jerry Swartfager



Secretary/Treasurer
McKinney Water District
Karla Gunter