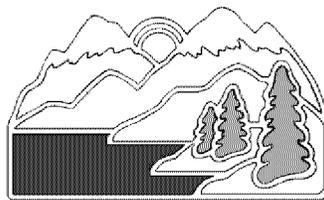


**Tahoe City Public Utility District**

**Ordinance 304**

**Water Conservation  
and  
Drought Response Standards**



**Adopted February 18, 2022**

**General Manager**

Sean Barclay

**Board of Directors**

John Pang, President

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# **Section 1**

## **General Policies Governing Water Conservation and Drought Response Standards**

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### **1.01 GENERAL**

Ordinance 304 of the Tahoe City Public Utility District (hereinafter referred to as “District,”), which serves as the District’s Water Shortage Contingency Plan, 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 drought or natural disaster occurs and to 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 expense 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.

This Ordinance provides for the Board of Directors to establish, when funds are available, a rebate program for District customers to encourage conservation and reduce consumer costs.

### **1.03 WATER WASTE PROHIBITED**

No Owner shall waste water 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 upon 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 METER TAMPERING PROHIBITED**

Any type of water meter tampering, modification, alteration, or damage, is expressly prohibited and shall be considered a violation of this Ordinance. Owners with meters that are found to have been tampered with, modified, altered, or damaged, are considered to be in violation of this Ordinance; they may be penalized and shall be dealt with as described in Section 3.03.4 Fourth Violation.

### **1.05 APPLICATION**

This Ordinance applies to all Owners, customers and users who occupy or control water use on any premise within the District’s 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 contract with the District. Certain provisions of this Ordinance also apply to all Owners, customers and users within the District’s sewer service area; specifically those provisions related to the installation of low-flow plumbing fixtures, the installation of pressure regulators, and portions of the District’s rebate program.

This Ordinance shall apply to potable water use and to non-potable water controlled by the District; although all Owners, customers, and users with non-potable water sources on their property should consider using the information in this Ordinance as a recommendation on conserving non-potable water as well. This Ordinance may apply to other non-potable water uses depending on regulatory requirements.

#### **1.05.1 Contracted Sales**

When the District enters into a contract for the sale of water to a public or private water system or entity, within or 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 his/her customers.

#### **1.05.2 Owner Defined**

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

#### **1.06 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.

#### **1.07 INTERPRETATION**

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

In the event any provision of this Ordinance conflicts or overlaps with any mandatory State regulation related to water conservation, the most stringent shall apply.

#### **1.08 ADMINISTRATION**

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

#### **1.09 DETERMINATION OF CONSERVATION STAGE**

The District operates several separate water service areas. Drought Response Stage 1 is the normal operating stage for all water service areas and is always in effect.

Drought Response Stages 2, 3, 4, 5, and 6 may be called independently by water service area, and shall be based upon supply and demand of available water within each water service area. However, if regional conditions warrant, Drought Response Stages 2, 3, 4, 5, and 6 may be called for all water service areas collectively. Drought Response Stages 2, 3, 4, 5, and 6 shall be determined by the Board of Directors.

#### **1.10 DECLARATION, IMPLEMENTATION AND TERMINATION OF DROUGHT RESPONSE STAGES 2, 3, 4, 5, AND 6**

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 Drought Response Stage 2, 3, 4, 5, or 6, the General Manager shall be authorized to implement and

enforce any or all of the measures identified herein.

Drought Response Stages 2, 3, 4, 5, and 6 will be declared by the Board of Directors. In emergency situations, the General Manager may declare a Drought Response Stage 2, 3, 4, 5, or 6 initially, to be followed up with a 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, and/or any regulatory mandates. Examples may include, but shall not be limited to, severe local drought conditions, regulatory mandates, 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, impacted water quality or water system contamination, natural disasters such as fire, weather or earthquake events, or long term power outages. The drought response stage chosen will vary on the severity of the situation and/or per regulatory mandates.

The District shall monitor the projected supply and demand for water by its customers on a regular basis. 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 shall be notified of the drought response stage by one or more of the following methods:

- a) Door hanger notices delivered to the property served
- b) Mass mailing to Owners, including billing inserts
- c) Email notification to Owners, if such contact information is readily available or on file with the District
- d) Public postings, including signs in affected neighborhoods and subdivisions
- e) Announcements in local media, such as newspapers, radio and television
- f) Announcements via social media and on the District's website
- g) Any other methods deemed appropriate by the General Manager

Implementation of Drought Response Stage 2, 3, 4, 5, or 6 may result in an increased level of monitoring by District staff to ensure compliance.

The District will regularly monitor drought conditions and promptly recommend that the drought response stage level increases if conditions worsen. The General Manager will rescind Drought Response Stage 2, 3, 4, 5, or 6 if warranted by improved conditions or reduced regulatory requirements.

### **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 any 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 General Manager shall exercise his/her authority to restrict the water service to the property, correct the violation, or 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, as well as any other applicable fees and/or penalties.

### **1.12 REQUESTS FOR EXEMPTION OR DEVIATION**

All requests for exemption or deviation from the provisions of this Ordinance shall be submitted, in writing, by the Owner to the General Manager. The Owner must obtain written permission and not

assume that permission will be forthcoming for exemptions or deviations. The District will charge a fee to process the exemption request in accordance with the District fee schedule.

The General Manager may temporarily or permanently exempt Owners from the provisions of this Ordinance, or impose reasonable conditions in lieu of compliance, if the General Manager finds that any of the following conditions exist:

**1.12.1 Serious Economic Hardship**

The requirements would cause an unnecessary and undue economic hardship upon the Owner, threatening the Owner's primary source of income as an individual or a business.

**1.12.2 Adverse Impact on Health and Safety**

Strict compliance would create an emergency condition, as determined by the Board, adversely affecting the health, protection, or safety of the Owner or the public.

**1.13 APPEALS**

Any person who is dissatisfied with any determination made under this Ordinance may at any time within 30 days after such determination make an appeal. The first appeal will be made to the General Manager. Should the appellant be dissatisfied with the decision of the General Manager, a subsequent appeal may be made to the Board of Directors within 30 days of the General Manager's decision.

**1.13.1 Appeal to General Manager**

Any person who is dissatisfied with any determination made under this Ordinance may at any time within 30 days after such determination, appeal to the General Manager by giving written notice to the General Manager and to the District Clerk. 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 or business, together with any other reasons for the appeal.

The General Manager shall investigate the matter appealed and shall make a written decision, which shall be mailed to the appellant within 30 days of receipt of the appeal. If the dispute involves an amount 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 General Manager determine that the charges were wrongfully made.

**1.13.2 Appeal to Board of Directors**

Any person who is dissatisfied with any determination made by the General Manager may at any time within 30 days after such determination, appeal to the Board of Directors by giving written notice to the General Manager and to the District Clerk. 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 or business, together with any other reasons for the appeal.

The General Manager 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 ten (10) days prior to the time fixed for hearing to the appellant 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 determination made by the General Manager.

If the dispute involves an amount 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.

**1.14 SEVERABILITY**

If any section, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The Board hereby declares that it would have passed each section, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, sentences, clauses, or phrases be declared invalid.

**- END OF SECTION -**

## **Section 2**

### **Water Conservation Drought Response Stages**

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#### **2.01 WATER CONSERVATION REQUIREMENTS**

##### **DROUGHT RESPONSE STAGE 1 - NORMAL CONDITIONS**

The Owner shall not waste water and shall maintain all water service lines, from the point of delivery to the premises served, in good repair. Under normal, non-emergency conditions, the Owner shall meet the most current water conservation measures mandated by other government agencies or, implement the following measures, whichever is more restrictive. Drought Response Stage 1 may require that overall water consumption be reduced by up to 10%.

##### **2.01.1 Metering: Tiered Water Consumption Charges**

The Owner shall be assessed and pay a flat monthly water rate based upon size of the water meter as well as a charge for water consumption based upon a tiered billing structure, as identified in the current District water rate schedule. This billing structure is designed to encourage conservation, as the charge per thousand gallons of water consumed increases as water use increases.

##### **2.01.2 Repair of Water Leaks**

Any leak or abnormal use in plumbing and/or irrigation systems, including running toilets, or any leak in swimming pools, hot tubs, decorative water features or any other receptacle used to store water, shall be repaired when found, but in any case within ten (10) days of notice by the District to repair.

##### **2.01.3 Water Runoff**

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

##### **2.01.4 Vehicle Wash**

Automatic shutoff valves or nozzles will be used whenever a hose is used for cleaning vehicles. This subsection does not apply to any commercial car washing facility that utilizes a recycling system to capture or reuse water. Washing of vehicles is exempted where the health, safety and welfare of the public is dependent upon frequent vehicle cleanings, such as snow removal vehicles and garbage trucks.

##### **2.01.5 Cleaning of Surfaces**

Automatic shutoff valves or nozzles will be used whenever a hose is used for cleaning or clearing walkways, patios, tennis courts, decks, driveways, parking areas or other improved areas, whether paved or unpaved. Unrestricted hoses may be used to alleviate immediate fire or sanitation hazards.

##### **2.01.6 Street Cleaning and/or Construction Site Prep**

Use of potable water for street cleaning or construction site preparation purposes shall be prohibited. The prohibition on using potable water does not apply to all uses of water for construction activities (such as mixing concrete) and that it only applies to construction site preparation if no other method is available. .

##### **2.01.7 Fire Hydrant Use Permit**

A District "Water Service from Hydrant Permit" must be obtained before use of any fire hydrant for any purpose other than fire suppression or emergency aid.

### **2.01.8 Water Pressure**

Water pressure shall not exceed 60 psi within residential or non-residential structures. Pressure will be checked at final inspection of new construction, reconstruction, and remodel to ensure compliance.

### **2.01.9 Low-Flow Plumbing Fixtures**

#### **a) Residential Units, Apartments, and Condominiums**

##### **Residential New Construction or Complete Reconstruction**

Low-flow fixtures are required in all residential structures that are subject to the new construction or tear down/rebuild District permit process, and shall meet the requirements of the most current California Plumbing Code, the most current Uniform Plumbing Code, regulatory requirements, or the following, whichever is more restrictive:

- i. Showerheads must be 1.8 gallons per minute (gpm) or less
- ii. Toilets must be 1.28 gallons per flush (gpf) or less and shall have a waste extraction score of no fewer than 351 grams, or be high-efficiency (HET)
- iii. Dual flush toilets qualify as HET
- iv. Kitchen faucets must be 1.8 gpm or less and may have the capability to increase to 2.2 gpm momentarily for filling pots and pans
- v. Residential lavatory faucets must be 1.2 gpm or less

#### **b) Residential Units, Apartments, and Condominiums**

##### **Residential Remodel or Retrofit**

Where a residential structure is subject to the District's remodel permit process, all existing non-compliant fixtures within the residential unit must be replaced with low-flow fixtures, per Section 2.01.9(a). This applies to all non-compliant fixtures within the residential unit, not just the ones initially being replaced, per State law and local building code requirements. Exceptions may be granted, per State law and the local building department.

Per CA Civil Code Section 1101.3 (C) a Non-compliant plumbing fixture is defined as:

- i. Any toilet manufactured to use **more** than 1.6 gallons of water per flush
- ii. Any urinal manufactured to use **more** than 1.0 gallons of water per flush
- iii. Any showerhead manufactured to have a flow capacity of **more** than 2.5 gallons of water per minute
- iv. Any interior faucet that emits **more** than 2.2 gallons of water per minute

#### **c) Commercial and Public Structures**

##### **New Construction or Complete Reconstruction**

Low-flow fixtures are required in all new or completely reconstructed commercial and public structures that are subject to the District permit process, and shall meet the requirements of the most current California Plumbing Code, the most current Uniform Plumbing Code, regulatory requirements, or the following, whichever is more restrictive:

- i. Showerheads must be 1.8 gpm or less
- ii. Toilets must be 1.28 gpf or less and shall have a waste extraction score of no fewer than 351 grams, or be high-efficiency (HET)
- iii. Dual flush toilets qualify as HET
- iv. Urinals must be 0.125 gpf or less

- v. Kitchen faucets must be 1.8 gpm or less and may have the capability to increase to 2.2 gpm momentarily for filling pots and pans
- vi. Residential lavatory faucets must be 1.2 gpm or less
- vii. Public restroom lavatory faucets must be 0.5 gpm or less
- viii. Metered faucets required for public transient restroom lavatories must be 0.25 gallons per use or less
- ix. Pre-rinse sink faucets must be 1.6 gpm or less
- x. Spray nozzles must be 1.6 gpm or less

**d) Commercial and Public Structure Retrofit**

Where a commercial or public structure is subject to the District’s remodel permit process, all existing non-compliant fixtures within the unit being remodeled must be replaced with low-flow fixtures, per Section 2.01.9(c). This applies to all non-compliant fixtures within the remodeled unit, not just the ones initially being replaced, per State law and local building code requirements. Exceptions may be granted, per State law and the local building department. Units within a multi-unit commercial structure that are not being remodeled are not subject to retrofit.

Per CA Civil Code Section 1101.3 (C) a Non-compliant plumbing fixture is defined as:

- i. Any toilet manufactured to use **more** than 1.6 gallons of water per flush
- ii. Any urinal manufactured to use **more** than 1.0 gallons of water per flush
- iii. Any showerhead manufactured to have a flow capacity of **more** than 2.5 gallons of water per minute
- iv. Any interior faucet that emits **more** than 2.2 gallons of water per minute

**2.01.10 Landscape Irrigation**

**a) Winterization of Irrigation Systems**

Operation of irrigation systems shall be discontinued and properly winterized by November 1<sup>st</sup> every year or earlier depending on temperatures.

**b) Landscape Irrigation Controls on New Construction Irrigation Systems**

Any new irrigation systems installed within the District, in conjunction with new construction or complete reconstruction, must be equipped with rain sensing devices that will halt irrigation during and after measurable precipitation, and/or moisture sensors that use a probe in the soil to monitor soil water content, and/or freeze sensors that turn off sprinkler valves when the temperature drops below a preset level. These devices must be approved by the District as to number, type, and settings.

**c) New Construction and Rehabilitated Landscaping**

The installation and planting of landscaping associated with new construction or new or rehabilitated landscaping at existing properties is strongly encouraged to occur in spring or fall. New non-turf landscaping, including bedding plants and trees, shall be on drip, micro sprinkler, or micro sprayer irrigation systems. Overhead watering shall only be allowed for turf areas.

**d) State Model Water Efficient Landscape Ordinance**

All residential and commercial landscaping associated with new construction or new or rehabilitated landscaping at existing properties shall conform with the requirements of the Model Water Efficient Landscape Ordinance, per California Code of Regulations, Title 23, Division 2, Chapter 2.7 or applicable local ordinances superseding the State

ordinance.

**e) Irrigating Turf on Public Medians**

Using potable water for irrigating ornamental turf on public street medians, which refers to the area between two portions of a roadway, shall be prohibited. Potable water used to irrigate parkways, which are generally the area between the sidewalk and the street, is NOT prohibited.

**2.01.11 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 9:00 AM and 8:00 PM, (2) at any time while it is raining or snowing and 48-hours after measurable precipitation, and/or (3) where the air temperature is less than 40 degrees Fahrenheit.

**2.01.12 Visitor-Serving Facilities**

In order to promote public awareness of the need to conserve water and not waste water, the owner and manager of each hotel, motel, restaurant, convention center, and other visitor-serving facility shall display informational material, placards, and/or decals, provided by the District, in places visible to all customers.

**2.01.13 Public Entities**

In order to promote public awareness of the need to conserve water and not waste water, all public entities shall display informational material, placards, and/or decals, provided by the District, in places visible to all customers.

**2.01.14 Indiscriminate Use**

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

**2.01.15 Exceptions**

The provisions of Section 2 of this Ordinance are not applicable to the uses of water which are necessary to protect public health and safety or for essential governmental services, such as police, fire, and other similar emergency services.

**2.02 WATER CONSERVATION REQUIREMENTS – MANDATORY COMPLIANCE – DROUGHT RESPONSE STAGE 2 – MODERATE WATER SHORTAGE**

In addition to Drought Response Stage 1 requirements, Drought Response Stage 2 requires that overall water consumption be reduced up to 20%. Failure to reduce water consumption by the designated percentage shall be considered a violation, per Section 3 of this Ordinance. The specific percent reduction in overall water consumption, as well as the benchmarks used for comparison, may be designated by regulatory requirements or a Resolution adopted by the District’s Board of Directors, and will be defined by the District when implementing Drought Response Stage 2. The District may choose to implement, by Board Resolution, varying water consumption reduction requirements for different Owners, based upon factors such as, but not limited to; historical water usage, type of water usage, time of water usage, or any other relevant factor. The Owner shall meet the most current water conservation measures mandated by other government agencies or, implement TCPUD’s measures, whichever is more restrictive. TCPUD’s specific mandated restrictions of water use during Drought Response Stage 2 are as follows:

**2.02.1 Designated Irrigation Days Established – Three Days per Week**

- 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. The irrigation day shall be considered to begin at midnight and end at 11:59 pm.
- b) Irrigation of non-turf areas which exclusively utilizes drip systems, including micro sprinklers and micro sprayers, or a hose with an automatic shutoff nozzle, shall be exempt from designated irrigation days.
- c) Properties with large common areas and public facilities may request alternate irrigation schedules based on specific needs or issues. The District will review such requests on a case-by-case and first-come, first-served basis.
- d) The District may establish alternate schedules based upon its determination, and will notify affected Owners of such changes. Designated irrigation days may be modified by the District, if needed.

#### **2.02.2 New or Rehabilitated Landscaping**

Notwithstanding any other provision of this Ordinance, water used for irrigating landscaping associated with new construction or new or rehabilitated landscaping at existing properties shall be limited to new or rehabilitated landscaping planted to comply with a Tahoe Regional Planning Agency (TRPA) permit requirement, TRPA Best Management Practice's (BMP) requirement or defensible space. The Owner, or his/her designee, must request permission from the District in writing for the establishment of new vegetation, and may not proceed with work until approval has been received from the District.

- a) Newly planted sod may be exempt for thirty (30) days from the date it was installed, and shall require approval from the District in accordance with this Section.
- b) Planting and seeding for public erosion control and/or environmental restoration projects shall be exempt from these requirements, and shall require approval from the District.
- c) Rehabilitation or installation of new landscaping at properties that had been improved with permitted structures more than six (6) months prior to the rehabilitation or installation of the rehabilitated or new landscaping and which do not meet the requirements of Section 2.02.2, requires written approval from the District prior to the rehabilitation or installation and such approval will not change or alter any other provision or requirement of this Ordinance, including but not limited to water consumption reduction requirements for individual properties, potential violations and enforcement actions.

#### **2.02.3 Irrigation of Public Facilities**

Where it is in the interest of public health and safety or where facilities are open to the public, the General Manager may permit extended periods or alternate schedules of irrigation or application of water to public facilities.

#### **2.02.4 Food Service and Drinking Establishments**

All food service and drinking establishments shall serve drinking water to their customers only

upon request by the customers. All food service and drinking establishments shall include a placard at each table and/or language on their menu, stating such.

**2.02.5 Visitor Accommodations**

All visitor accommodations, including, but not limited to, hotels, motels, guest rooms, bed and breakfast establishments, vacation rentals, etc., shall wash guest linens, including towels and sheets, only upon request of their guests, and after guest check out. A placard or notice stating such shall be displayed in each guest room.

**2.02.6 Hard Surface Application**

The application of water to hard surfaces, including driveways, sidewalks, parking lots, and athletic facilities shall be prohibited, except for pavement resurfacing or sealing, construction services, and/or public health and safety. Any application of water to hard surfaces for these exceptions shall use automatic shutoff nozzles, or require on-site monitoring during manual irrigation.

**2.02.7 Ornamental or Decorative Water Features**

The use of water in ornamental or decorative water features, including fountains, waterfalls, ponds, or lakes, that do not recirculate the water is prohibited. An ornamental or decorative water feature is defined as a design element where artificially supplied open water performs solely an aesthetic function. Ornamental water features do not include recreational water features, such as swimming pools and spas.

**2.02.8 Regulatory Requirements**

Other restrictions may apply as mandated by regulatory requirements and may supersede any section of this Ordinance.

**2.03 WATER CONSERVATION REQUIREMENTS – MANDATORY COMPLIANCE – DROUGHT RESPONSE STAGE 3 – SIGNIFICANT WATER SHORTAGE**

In addition to Drought Response Stages 1 and 2 requirements, Drought Response Stage 3 requires that overall water consumption be reduced by 20% to 30%. Failure to reduce water consumption by the designated percentage shall be considered a violation, per Section 3 of this Ordinance. The specific percent reduction in overall water consumption, as well as the benchmarks used for comparison, may be designated by regulatory requirements or a Resolution adopted by the District’s Board of Directors, and will be defined by the District when implementing Drought Response Stage 3. The District may choose to implement, by Board Resolution, varying water consumption reduction requirements for different Owners, based upon factors such as, but not limited to; historical water usage, type of water usage, time of water usage, or any other relevant factor. The Owner shall meet the most current water conservation measures mandated by other government agencies or, implement TCPUD’s measures, whichever is more restrictive. TCPUD’s specific mandated restrictions of water use during Drought Response Stage 3 are as follows:

**2.03.1 Regulatory Requirements**

Other restrictions may apply as mandated by regulatory requirements and may supersede any section of this Ordinance.

**2.04 WATER CONSERVATION REQUIREMENTS – MANDATORY COMPLIANCE – DROUGHT RESPONSE STAGE 4 – SEVERE WATER SHORTAGE**

A Stage 4 drought response is triggered by deterioration in local water service area indicators in conjunction with a drought status above normal for the Lake Tahoe Basin, a failure of key water

service area components, regulatory requirements, and/or a failure to significantly reduce water demand in Drought Response Stages 2 and 3.

During Drought Response Stage 4, Drought Response Stages 1, 2, and 3 restrictions apply. Furthermore, Drought Response Stage 4 requires that overall water consumption be reduced by 30% to 40%. Failure to reduce water consumption by the designated percentage shall be considered a violation, per Section 3 of this Ordinance. The specific percent reduction in overall water consumption, as well as the benchmarks used for comparison, may be designated by regulatory requirements or a Resolution adopted by the District's Board of Directors, and will be defined by the District when implementing Drought Response Stage 4. The District may choose to implement, by Board Resolution, varying water consumption reduction requirements for different Owners, based upon factors such as, but not limited to; historical water usage, type of water usage, time of water usage, or any other relevant factor. The Board may designate specific areas for further restrictions including, but not limited to, the following specific mandated restrictions in water use during Drought Response Stage 4. The Owner shall meet the most current water conservation measures mandated by other government agencies or, implement TCPUD's measures, whichever is more restrictive. TCPUD's specific mandated restrictions of water use during Drought Response Stage 4 are as follows:

**2.04.1 Designated Irrigation Days Established – Two Days per Week**

- a) Properties with street addresses that end in an even number may irrigate only on Monday and Thursday; properties with street addresses ending in an odd number may irrigate only on Tuesday and Friday. There will be no irrigation permitted on Wednesday, Saturday, or Sunday. The irrigation day shall be considered to begin at midnight and end at 11:59 pm.
- b) Irrigation of non-turf areas which exclusively utilizes drip systems, including micro sprinklers and micro sprayers will be allowed only Monday through Friday and shall be prohibited on Saturdays and Sundays.
- c) Properties with large common areas and public facilities may request alternate irrigation schedules based on specific needs or issues. The District will review such requests on a case-by-case and first-come, first-served basis.
- d) The District may establish alternate schedules based upon its determination, and will notify affected Owners of such changes. Designated irrigation days may be modified by the District, if needed.

**2.04.2 New or Rehabilitated Landscaping**

Notwithstanding any other provision of this Ordinance, water used for irrigating landscaping associated with new construction or new or rehabilitated landscaping at previously improved properties shall be limited to new or rehabilitated landscaping planted to comply with a Tahoe Regional Planning Agency (TRPA) permit requirement, TRPA Best Management Practice's (BMP) requirement or defensible space. The Owner, or his/her designee, must request permission from the District in writing for the establishment of new vegetation, and may not proceed with work until written approval has been received from the District.

- a) No new sod or lawns shall be allowed to be installed during summer months (June, July, and August), or when daytime temperatures exceed 80 degrees Fahrenheit.

### **2.04.3 Snow Making Water**

Limitations on snow making water may be imposed by the District, depending on time of year, weather, and/or availability of water.

### **2.04.4 Regulatory Requirements**

Other restrictions may apply as mandated by regulatory requirements and may supersede any section of this Ordinance.

## **2.05 WATER CONSERVATION REQUIREMENTS – MANDATORY COMPLIANCE – DROUGHT RESPONSE STAGE 5 – CRITICAL WATER SHORTAGE**

A Stage 5 drought response is triggered by deterioration in local water service area indicators in conjunction with a drought status above normal for the Lake Tahoe Basin, a failure of key water service area components, regulatory requirements, and/or a failure to significantly reduce water demand in Drought Response Stages 2, 3, and 4.

During Drought Response Stage 5, Drought Response Stages 1, 2, 3, and 4 restrictions apply. Furthermore, Drought Response Stage 5 requires that overall water consumption be reduced by 40% to 50%. Failure to reduce water consumption by the designated percentage shall be considered a violation, per Section 3 of this Ordinance. The specific percent reduction in overall water consumption, as well as the benchmarks used for comparison, may be designated by regulatory requirements or a Resolution adopted by the District’s Board of Directors, and will be defined by the District when implementing Drought Response Stage 5. The District may choose to implement, by Board Resolution, varying water consumption reduction requirements for different Owners, based upon factors such as, but not limited to; historical water usage, type of water usage, time of water usage, or any other relevant factor. The Board may designate specific areas for further restrictions including, but not limited to, the following specific mandated restrictions in water use during Drought Response Stage 5. The Owner shall meet the most current water conservation measures mandated by other government agencies or, implement TCPUD’s measures, whichever is more restrictive. TCPUD’s specific mandated restrictions of water use during Drought Response Stage 5 are as follows:

### **2.05.1 Regulatory Requirements**

Other restrictions may apply as mandated by regulatory requirements and may supersede any section of this Ordinance.

## **2.06 WATER CONSERVATION REQUIREMENTS – MANDATORY COMPLIANCE – DROUGHT RESPONSE STAGE 6 – WATER SHORTAGE EMERGENCY**

A Stage 6 drought response is triggered by deterioration in local water service area indicators in conjunction with a drought status above normal for the Lake Tahoe Basin, a failure of key water service area components, regulatory requirements, a failure to significantly reduce water demand in Drought Response Stages 2, 3, 4 and 5, and/or major catastrophe or contamination of the water supply, including flooding, major fire emergencies, earthquakes, regional power outages, water contamination, and emergencies other than water shortage.

During Drought Response Stage 6, Drought Response Stages 1, 2, 3, 4, and 5 restrictions apply. Furthermore, Drought Response Stage 6 requires that overall water consumption be reduced by 50% or more. Failure to reduce water consumption by the designated percentage shall be considered a violation, per Section 3 of this Ordinance. The specific percent reduction in overall water consumption, as well as the benchmarks used for comparison, may be designated by

regulatory requirements or a Resolution adopted by the District's Board of Directors, and will be defined by the District when implementing Drought Response Stage 6. The District may choose to implement, by Board Resolution, varying water consumption reduction requirements for different Owners, based upon factors such as, but not limited to; historical water usage, type of water usage, time of water usage, or any other relevant factor. The Board may designate specific areas for further restrictions including, but not limited to, the following specific mandated restrictions in water use during Drought Response Stage 6. The Owner shall meet the most current water conservation measures mandated by other government agencies or, implement TCPUD's measures, whichever is more restrictive. TCPUD's specific mandated restrictions of water use during Drought Response Stage 6 are as follows:

**2.06.1 Prohibition of Water Use Except for Domestic and Commercial Non-Irrigation Use**

The use of water for other than domestic and commercial non-irrigation use is prohibited, except that irrigation of public facilities may be permitted pursuant to review and approval by the District. Irrigation of ornamental landscapes, turf, and new construction landscaping is expressly prohibited. The application of water to hard surfaces and for decorative water features is also prohibited.

**2.06.2 Mandatory Water Rationing**

The District may implement mandatory water rationing through the use of rolling outages, or other methods, should the situation require. Affected customers will be notified via public outreach, local media, written notice posted at the property, mail, and/or personal contact.

**2.06.3 Regulatory Requirements**

Other restrictions may apply as mandated by regulatory requirements and may supersede any section of this Ordinance.

**- END OF SECTION -**

## **Section 3 Violations**

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### **3.01 NOTICE OF VIOLATION**

The District may find out that a property is in violation of this Ordinance in a number of ways, including, but not limited to, District monitoring, customer contact, or a complaint. If any person fails or refuses to comply with the provisions of this Ordinance, the General Manager or his/her designee shall provide the Owner with a 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 noncompliance, or be mailed to the Owner
- b) State the time, date and place of the violation
- c) Provide a general description of the violation
- d) State the means to correct the violation
- e) State a date by which correction is required
  - i. The date specified shall be commensurate with the severity of the situation
- f) State the possible consequences of failing to correct the violation

The District shall also make every reasonable attempt to establish personal contact with the Owner via phone, email, and/or in person, if such contact information is readily available or on file with the District.

### **3.02 CORRECTIVE ACTIONS**

If the violation is not corrected to the District's satisfaction within the time limit specified or if conditions are severe enough or warrant immediate action, the District may restrict the water service to the property, correct the violation, or disconnect the water service in accordance with District procedures. In addition to restricting the water service, correcting the violation, or disconnecting the water service, the Owner may be billed administrative fees, as well as any applicable time and maintenance charges on his/her account, in accordance with the District's fee schedule.

If the water service is disconnected, reconnection shall only be permitted when there is reasonable protection against future violations, as determined by the District. Costs associated with disconnection and reconnection will be billed to the Owner.

### **3.03 PROCEDURES**

#### **3.03.1 First Violation**

Following adoption of this Ordinance, first violations of any provision within this Ordinance will result in a friendly reminder in the form of a notice posted on or near the front door, personal contact with the Owner and/or a letter advising the Owner of the violation, in accordance with Section 3.01. If not corrected within the time limit specified in the District's notice to the Owner, the District may elect to take corrective actions per Section 3.02, and/or impose the conditions associated with a Second Violation, as outlined in Section 3.03.2, based upon severity of the violation.

#### **3.03.2 Second Violation**

For a second violation of any provision within this Ordinance within one calendar year, whether it is the same provision previously violated or a new provision, the Owner will be notified in writing in the form of a notice posted on or near the front door, personal contact with the Owner, and/or a letter advising the Owner of the violation, in accordance with Section 3.01. If the correction is not

made within the time limit specified in the District's notice to the Owner, based upon severity of the violation, a penalty, in the amount as set forth in a Resolution adopted by the District's Board of Directors establishing penalties for violating this Ordinance, as well as any applicable time and maintenance charges, may be assessed in accordance with the District fee schedule. These costs shall be added to the Owner's water service charges at the property where the violation occurred. If not corrected within the time limit specified in the District's notice to the Owner, the District may elect to take corrective actions per Section 3.02, and/or impose the conditions associated with a Third Violation, as outlined in Section 3.03.3, based upon severity of the violation.

### **3.03.3 Third Violation**

For a third violation of any provision within this Ordinance within one calendar year, whether it is the same provision previously violated or a new provision, the Owner will be notified in writing in the form of a notice posted on or near the front door, personal contact with the Owner, and/or a letter advising the Owner of the violation, in accordance with Section 3.01. If the correction is not made within the time limit specified in the District's notice to the Owner, a penalty, in the amount as set forth in a Resolution adopted by the District's Board of Directors establishing penalties for violating this Ordinance, as well as any applicable time and maintenance charges, will be assessed in accordance with the District's fee schedule. These costs will be added to the Owner's water service charges at the property where the violation occurred. If not corrected within the time limit specified in the District's notice to the Owner, the District may elect to take corrective actions per Section 3.02, and/or impose the conditions associated with a Fourth Violation, as outlined in Section 3.03.4, based upon severity of the violation.

### **3.03.4 Fourth Violation**

For the fourth and any subsequent violations of any provision within this Ordinance within one calendar year, whether it is the same provision previously violated or a new provision, the Owner will be notified in writing in the form of a notice posted on or near the front door, personal contact with the Owner, and/or a letter advising the Owner of the violation, in accordance with Section 3.01. If the correction is not made within the time limit specified in the District's notice to the Owner, a penalty, in the amount as set forth in a Resolution adopted by the District's Board of Directors establishing penalties for violating this Ordinance, as well as any applicable time and maintenance charges, will be assessed in accordance with the District's fee schedule. These costs will be added to the Owners' water service charges at the property where the violation occurred. If not corrected within the time limit specified, the District may take corrective actions per Section 3.02, based upon severity of the violation, up to and including disconnection of the water service at the property where the violation occurred.

### **3.04 CORRECTION AND ENFORCEMENT COSTS**

The District may correct any violation of this Ordinance and bill the Owner for costs and expenses in correcting violation(s) and/or enforcing the provisions of this Ordinance, including staff time for investigation, correction of violation(s), and/or monitoring for compliance, if the Owner refuses to comply. The Owner may also be assessed a penalty(ies), as determined by the level of violation and/or regulatory requirements.

Charges shall be added to the Owner's bill for the property where the correction and/or enforcement costs were incurred. The District may also take such action as may be allowed by statute, local or State regulatory requirements.

### **3.05 TERMINATION OF SERVICE**

Failure to correct the violation may result in termination of water service to the parcel on which the violation occurred. Reconnection shall only be permitted when there is reasonable protection against future violations, as determined by the District.

**- END OF SECTION -**

## **Section 4**

### **Rebate and Conservation Programs**

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#### **4.01 REBATE PROGRAM ESTABLISHED**

A rebate and conservation program may be established to encourage Owners to implement water efficiency measures at their property. Programs may include, but are not limited to, water use surveys, high efficiency toilet replacements, high efficiency appliance replacements, and efficient irrigation control systems programs.

To be eligible to participate in any rebate or conservation program, District customers shall be in full compliance with all District Ordinances and current on their utility account. To be eligible to receive rebates, any outstanding issues on the property must be resolved for District water and sewer customers.

Any device, process or program associated with a rebate given by the District, shall remain in place for a minimum of 5 years, unless that device, process, or program is replaced with a more efficient or equal measure.

Rebates and programs are given only if funding is still available and on a first-come, first-served basis. Applications submitted after funding is exhausted will be processed in the following calendar year in the order received. The individual rebate programs or the water audit program may be suspended, discontinued, expanded, or modified at any time, at the discretion of the General Manager.

**- END OF SECTION -**

**Section 5**  
**Effective Date of Ordinance, and Revocation of Prior Water Ordinances Inconsistent Herewith**

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This Ordinance shall become effective thirty (30) days from date of adoption.

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

District Ordinance 291 is hereby revoked in its entirety and to the extent that any other of the existing and prior ordinances of the District applicable to its water service areas are inconsistent herewith, all such prior ordinances shall be deemed revoked upon this Ordinance becoming effective to the extent that they are inconsistent.

That the Clerk of this District is hereby authorized and directed to cause this Ordinance to be duly published and posted as required by law.

PASSED AND ADOPTED THIS 18th day of February, 2022 at a Regular meeting of the Board of Directors of Tahoe City Public Utility District by the following vote:

- AYES: Scoville, Friedman, Beals, Wilkins, Pang
- NOES: None
- ABSENT: None

Tahoe City Public Utility District



By: John Pang, Board President



ATTEST: Terri Viehmann, District Clerk

**- END OF SECTION -**