ORDINANCE NO. 2021-76 WWD

AN ORDINANCE OF THE WINDSOR WATER DISTRICT BOARD OF DIRECTORS AMENDING ARTICLE 8 OF CHAPTER 3, TITLE XII OF THE WATER DISTRICT CODE RELATING TO CONSERVATION OF WATER SUPPLY

WHEREAS, the Windsor Water District's ("District") Water Conservation Ordinance is set forth in Chapter 3 of Title XII of the Windsor Water District Code; and

WHEREAS, on July 21, 2021, the District will consider adoption of the 2020 Urban Water Management Plan and the 2020 Water Shortage Contingency Plan and Windsor Water District staff identified provisions that required revision to ensure consistency with State law mandating water shortage levels one through six; and

WHEREAS, the Board of Directors of the District desires to amend the Water Conservation Ordinance to codify the provisions of the Water Shortage Contingency Plan to ensure public health and safety in the event of water shortage caused by drought, delivery disruption, or natural disaster; and

WHEREAS, Maddaus Water Management prepared a report dated June 2021, entitled "Town of Windsor Water Shortage Contingency Plan" containing recommendations for declaring voluntary or mandatory water conservation in six levels, specifying wasteful water use during declared water emergencies, and providing enforcement and penalties for violations; and

WHEREAS, the District Engineer reviewed and recommends the Water Shortage Contingency Plan and the proposed implementing ordinance.

THE BOARD OF DIRECTORS OF THE WINDSOR WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title XII, Chapter 3, Article 8, Section 800 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

> **12-3-800 – Purpose and Authority.**
>
> The purpose of this article is to conserve the water supply of the Town for the greatest public benefit with particular regard to public health, fire protection, and domestic use, to conserve water by reducing waste, and to the extent necessary by reason of the existing water shortage emergency condition to reduce water use fairly and equitably. This article is adopted pursuant to State Law including Water Code Sections 350 to and including 358, and Sections 31026 to and including 31029 and Water Shortage Contingency Plan Water Code Section 10632.

SECTION 2. Title XII, Chapter 3, Article 8, Section 815 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-3-815 - Suspension of New Connections to the Town's Water System.

(a) After the General Manager/Town Manager declares that a water shortage condition exists, and the declaration is ratified by the Town Council by resolution, and this article becomes effective, and until the date the Town Council by resolution declares that the water shortage has ended, which period is hereinafter referred to as the "suspension period", no new or enlarged connection shall be made to the Town's water system except the following:

1. Connection of fire hydrants.

2. Connection of property previously supplied with water from a private water source (such as a well or spring) upon submittal and approval of the Town Engineer evidence that the private source has failed or dried up or has otherwise been impaired by the drought or water shortage event to such a degree that the source no longer can meet minimal potable water needs of the applicant.

3. During mandatory Level 4, 5, and 6 water shortage emergency, connection of property for which the applicant has: (1) obtained all approvals required for development (including a Building Permit), except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and, (2) either retrofits good quality water conservation fixtures and devices (one point twenty-eight (1.28) gallon per flush toilets, one point five (1.5) gallon per minute showerheads, and one point five (1.5) gallon per minute faucet aerators for kitchen sinks and lavatories) in five (5) existing single-family detached dwelling units served by the Town, or pays the Town one thousand five hundred ($1,500.00) dollars per equivalent single-family detached dwelling unit for which water service is being applied. These payments shall be used by the Town to help fund its expanded water conservation program efforts during the suspension period. If an applicant chooses the retrofit option and a selected home already has some water-conserving fixtures, the applicant shall install conservation fixtures in additional dwellings as determined necessary by the Town's Water Conservation Coordinator.

b. During the suspension period, applications for water service will be processed only if the applicant acknowledges in writing that such processing shall be at the risk and expense of the applicant and that if the application is approved in accordance with the Town's regulations, such approval shall confer no right upon the applicant or anyone else until the suspension period has expired, and that the applicant releases the Town from all claims of damage arising out of or in any manner connected with the suspension of connections.

c. Upon the termination of the suspension period, the Town will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period. The water supply then available to the Town will be apportioned equitably among all the customers then being served by the Town without discrimination against services approved during the suspension period.

d. Nothing herein shall prohibit or restrict any modification, relocation, or replacement of a connection to the Town's system if the Town Engineer determines that the demand upon the Town's water supply will not be increased thereby.

SECTION 3. Title XII, Chapter 3, Article 8, Section 820 of the Windsor Water District Code is amended to delete all text and tables therein in its entirety, and to be read and replaced as follows:

12-3-820 - Waste of Water Prohibited.

a. No water furnished by the Town shall be wasted. Waste of water includes, but is not limited to, the following:

1. Washing hard or paved surfaces is prohibited except to alleviate safety or sanitary hazards using a handheld container, hose with an automatic shut-off device, or a low-volume high-pressure cleaning machine that recycles used water.

2. Escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. The reasonable time within which to correct such break or leak or, as a minimum, to stop the flow of water from such break or leak shall be as established in the Water Shortage Contingency Plan currently in effect.

3. Watering vegetated areas in a manner that causes excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter, or ditch is prohibited. Every customer is deemed to have the customer's water system under control at all times, to know the manner and extent of the customer's water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.

4. No landscape watering shall occur within 48 hours after measurable precipitation.

5. Washing or hosing down cars, boats, trailers or other vehicles is prohibited except by use of a handheld container, hose with an automatic shut-off device, or at a commercial car wash.

6. Cleaning, filling, or operating water features, such as decorative fountains, except where the water is part of a recirculating system.

7. Water for single-pass evaporative cooling systems for air conditioning in all connections installed after July 18, 2007, unless required for health or safety reasons.

8. Water for new non-recirculating conveyor car wash systems.

9. Water for new non-recirculating industrial clothes wash systems.

10. Lodging establishments must offer opt-out of linen service.

11. Water for construction dust control when recycled water is available.

b. Waste of water shall also include failure to put to reasonable beneficial use any water withdrawn from the Town's water system as determined by the Town Engineer.

SECTION 4. Title XII, Chapter 3, Article 8, Section 825 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-3-825 – Prohibition of Non-Essential Use of Water.

a. No water furnished by the Town shall be used for any purpose declared to be non-essential by this article. The restrictions in this section shall not apply to use of recycled wastewater furnished by a government agency.

b. At any and all times that a water shortage emergency condition is declared by the Town Council, as Levels 1, 2, 3, 4, 5, or 6 water shortage emergency as set forth in the following table, all customers may be asked to either voluntarily or by mandate reduce consumption of water furnished by the Town, as specified by resolution of the Town Council, and all customers of the Town must adhere to implement actions as specified in the adopted Water Shortage Contingency Plan, as amended.

Water Shortage Level	**Percent Shortage Range**	**Shortage Response Actions**
0	0% (normal)	A Level 0 Water Supply Shortage- Conditions exist when the Town notifies its water users that no supply reductions are anticipated in the year. The Town proceeds with planned water efficiency best practices to support customer demand reduction in line with State mandated regulations and local Windsor goals for water supply resiliency. Permanent water waste prohibitions are in place as stipulated in the Town's Code including prohibitions of waste of water per Section 12-3-820
1	Up to 10%	Disruption to the Town's water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 1 shortage, or equivalent.
2	Up to 20%	Disruption to the Town's water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 2 shortage, or equivalent.
3	Up to 30%	Disruption to the Town's water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 3 shortage, or equivalent.
4	Up to 40%	Disruption to the Town's water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 4 shortage, or equivalent.
5	Up to 50%	Disruption to the Town's water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 5 shortage, or equivalent.
6	> 50%	Disruption to the Town's water delivery system or shortages in the amount of water available for delivery by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 6 shortage, or equivalent.

c. The District reserves the right to require additional mandatory measures beyond those in the Water Shortage Contingency Plan as determined by the District Board of Directors or Town Council.

d. Nothing in this chapter limits, or may be construed as limiting, the availability of water for extinguishing fires, meeting the demands of any other similar emergency, or routine inspection and maintenance of fire hydrants.

e. From and after the date that the Windsor Town Council declares that a Levels 4, 5, or 6 water shortage emergency exists, and required mandatory water use reductions water use in excess of the following allotments established for each meter are in addition declared to be non-essential:

1. Residential meters serving single-family detached homes including mother-in-law or second units that are served by the same meter: the Town shall establish an allocation based on water supply availability that shall not exceed sixty-five (65) gallons per capita per day times the number of permanent occupants. Permanent occupants shall be a whole number. Babies, children, adults and senior citizens whose principal place of residence is in the dwelling in question shall each count as one (1) occupant. In determining the number of permanent occupants, the Town shall rely upon data it has acquired from the customer or other sources. Provided sufficient time is available, the Town will attempt to canvas customers to obtain current data on permanent household occupants. Alternatively, without sufficient data, the Town may assume the most recent published United States Census persons per household for an owner-occupied single-family detached dwelling unit as the basis for the allocation times the Town defined allocation of gallons per day per capita.

2. Residential meters serving multiple units: any use in excess of that resulting from application of the mandatory residential water use reduction established by the Windsor Town Council.

3. Irrigation only meters: any use in excess of that resulting from application of the mandatory irrigation water use reduction or occurring outside of the allowed hours and days of the week as established by resolution of the Windsor Town Council.

4. Meters serving any non-residential use (excluding irrigation only metered use and healthcare and public safety use): any use in excess of that resulting from application of the overall water use reduction established by the Windsor Town Council.

5. Meters serving water used for healthcare and public safety (excluding irrigation only use): any use in excess of the minimum amount required to adequately provide for healthcare and public safety.

6. Meters serving mixed uses: an allotment to be determined by the Town Engineer based upon the criteria contained in subsections e.1 through e.5 immediately above.

f. Any customer exceeding their allotment, based on metered billing records, shall be billed and required to pay a penalty established by the Master Fee Schedule at the time the mandatory Level 4, 5, or 6 water shortage emergency is declared. This penalty charge shall be waived for the first bill received after mandatory Level 4, 5, or 6 emergency is implemented and shall terminate the day the suspension period ends.

g. If a connection to the Town's system was not in existence or used in the corresponding billing period established for determination of the mandatory water use reduction requirement, the Town will estimate use in such year based on other historic records and/or water use by customers having similar end-uses.

h. In addition to the non-essential uses and restrictions detailed in this article, the Town Council may by resolution specify additional non-essential uses of water, or other mandatory water use restrictions or penalty fees during the shortage period, as may be required from time to time to conform to State and/or Sonoma County Water Agency declarations, regulations, and requirements with respect to water shortage and water conservation matters.

i. During a declared Level Six water shortage emergency the Town Council may adopt, by resolution, additional water supply measures, including but not limited to: (a) restrictions on delivering water to new connections; (b) increased fees related to penalties for wasteful use of water, or other provisions as necessary in accordance with the adopted Water Shortage Contingency Plan or other Sonoma County Water Agency or state mandate. The District or Town Council may also adopt by resolution provisions for customer rationing of existing connections in accordance with California Water Code Sections 350-359 or other local or state mandate

SECTION 5. Title XII, Chapter 3, Article 8, Section 835 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-3-835 – Use of Sprinklers Conditional.

a. Any customer of the Town may use sprinklers to apply water furnished by the Town to irrigate any existing turfgrass, garden, landscaped area, trees or shrubs provided said application is properly controlled and performed in a non-wasteful and efficient manner confined to the days of the week specified by resolution of the Town Council and to the hours of 7:00 p.m. and 7:00 a.m. of the next day. In the event low-pressure micro-jet sprayers are present in a drip system, irrigation by the valve(s) controlling same shall also be confined to the hours noted above.

b. The amount of water normally required for landscape irrigation shall be reduced by a percent set by resolution of the Town Council and shall hereafter be known as the ETo Adjustment Factor. This condition shall not apply to residential customers if Level 3 water shortage emergency measures are implemented.

c. In determining the amount of water to apply to turfgrass, customers are encouraged to use the following formula:

Applied water for turfgrass (gallons) =	Area of turfgrass (square ft.) x ETo (inches for a given period of time—typically three (3) to seven (7) days) x ETo Adjustment Factor x conversion factor of zero point sixty-two (0.62)

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the plant factor for turfgrass is one point zero (1.0). Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

d. In determining the amount of water to apply to landscaped areas containing a mixture of trees and shrubs, customers are encouraged to use the following formula:

Applied water for mixed trees and shrubs (gallons) =	Area of Landscape (square ft.) x ETo (inches or a given period of time—typically three (3) to seven (7) days) x ETo Adjustment Factor x plant factor of zero point six (0.6) x conversion factor of zero point sixty-two (0.62)

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the plant factor for mixed trees and shrubs is zero point six (0.6). Use of this formula to determine applied water will yield the appropriate amount of water to apply while mandatory water use restrictions are ~~rationing is~~ in effect.

e. Water applied by sprinklers shall be applied in short enough cycles to avoid run-off to gutters, drains, and other adjacent impervious areas.

f. During the suspension period, use of water by sprinklers is a privilege, and permission to use water in this way may be withdrawn if it comes to the attention of the District Engineer that such use by a given customer is wasteful or in excess of the amount determined in subsection (b) of this section. A common result of wasteful application of water by sprinklers is evidence of runoff to a gutter or other adjacent impervious area.

g. Use of water pursuant to this section may be curtailed or eliminated during periods of water shortage as set forth in the Water Shortage Contingency Plan currently in effect.

SECTION 6. Title XII, Chapter 3, Article 8, Section 840 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-3-840 – Variances.

In unusual circumstances, application of this chapter may cause unnecessary hardships or results inconsistent with this chapter's purposes and intent. Therefore, variances to some of the requirements of this chapter may be appropriate as described below:

a. The General Manager may grant variances to water use restrictions provisions during a Level 1, 2, or 3 declared Water Shortage Emergency as specified in Water Shortage Contingency Plan. During level 4, 5, or 6 water emergency, as specified in the Water Shortage Contingency Plan, any previously granted variances shall be suspended without notice, unless they are based on a critical health need as determined by a licensed medical professional, with such determination being provided to the General Manager.

b. Customers who seek a variance from this chapter for any reason shall submit to the District a written request for variance, setting forth, in detail, the extraordinary circumstances that support the application. The General Manager may approve the application at their discretion; provided, that the variance allows the applicant to use only the minimum amount of water, in addition to that allowed by this chapter, that the General Manager reasonably believes is necessary to satisfy the circumstances that support the application. Any such variance shall terminate one year after its issuance, subject to an application for its renewal.

c. Any customer of the Town may make a written application for a variance. Applications shall be addressed to:

Utility Billing
Town of Windsor
9291 Old Redwood Highway
P.O. Box 100
Windsor, CA 95492

SECTION 7. Title XII, Chapter 3, Article 8, Section 845 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-3-845 – Enforcement and Penalties

The goal of the provisions of this chapter is to achieve voluntary compliance from the customer, and the District will take reasonable measures to assure the customer has information available to promptly and efficiently address water use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows:

Violation	Penalty
First	Personal or written notification of the violation
Second	Written notification and issuance of a notice to correct
Third	Issuance of an administrative penalty per the Master Fee Schedule
Fourth	Issuance of an administrative penalty per the Master Fee Schedule
Fifth	Issuance of an administrative penalty per the Master Fee Schedule
Final	Disconnected water service and/or other penalties as provided in the notice of violation and as determined by the General Manager

a. Violations will be based on observation(s) and documentation of waste by District staff, including but not limited to evidence of continually running water by meter readings, physical inspection, and/or visual observation of the occurrence. Violations are subject to the enforcement provisions in Section 12-3-845.

b. It shall be unlawful for any customer to willfully tamper with or in any way modify or attempt to modify a Town meter or anything within the Town's meter box. Violation shall result in the customer being charged a Meter Tampering Fee plus the cost of labor and materials to remedy any damage caused to the Town's equipment as a result of such tampering.

c. Anyone who willfully takes water from the Town water system without the Town's permission or who willfully tampers with or causes damage to any Town meter or water system appurtenance is liable to the Town in the sum of time and materials, plus citation for code violation, as a civil penalty, for each subsequent act during the suspension period. This sum shall be recoverable by a civil suit in a court of competent jurisdiction. This section does not

limit the Town's right to recover the cost of any Town water taken without the Town's permission.

d. All customer fees required by this section shall be set by a resolution of the Town.

e. There shall be no appeal of the water use restrictions identified in the Chapter or Water Shortage Contingency Plan. Any appeal of other decisions shall be appealable in writing to the General Manager and if still unresolved a second appeal may be sent in writing to the District Board of Directors.

SECTION 8. California Environmental Quality Act.
The Windsor Water District Board finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15262(v) adoption of urban water management plans and related water shortage contingency plans pursuant to Section 10652 of the California Water Code is statutorily exempt from the California Environmental Quality Act (CEQA) and per CEQA Guidelines Section 15307 (the activity is a regulatory action taken by the District pursuant to its police power for the maintenance and protection of a natural resource) and no environmental review is required.

SECTION 9. Severability.
The provisions of this Ordinance are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this Ordinance or their applicability to other persons or circumstances.

SECTION 10. Effective Date.
This Ordinance shall take effect and be in force immediately upon adoption.

SECTION 11. Publication or Posting.
This Ordinance shall be published and posted in accordance with the California County Water District Act.

PASSED, APPROVED AND ADOPTED this 21st day of July 2021, by the following vote:

AYES:	**BOARD MEMBERS FUDGE, LEMUS, VICE PRESIDENT REYNOZA AND PRESIDENT SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

SAM SALMON, PRESIDENT

ATTEST:

MARIA DE LA O, SECRETARY

Attachment:

- **Exhibit A –** Ordinance Text Amendment Shown in Underline and Strikeout

EXHIBIT A

ORDINANCE OF THE WINDSOR WATER DISTRICT
AMENDING ARTICLE 8 OF CHAPTER 3, TITLE XII OF THE WATER DISTRICT CODE
RELATING TO CONSERVATION OF WATER SUPPLY

Text Amendments new text shown in underline italic font and deleted text shown in strikeout font

Article 8. - Conservation of Water Supply

12-3-800 - Purpose and Authority.

The purpose of this article is to conserve the water supply of the Town for the greatest public benefit with particular regard to public health, fire protection, and domestic use, to conserve water by reducing waste, and to the extent necessary by reason of the existing water shortage emergency condition to reduce water use fairly and equitably. This article is adopted pursuant to State Law including Water Code Sections 350 to and including 358, and Sections 31026 to and including 31029 and *Water Shortage Contingency Plan Water Code Section 10632.*

12-3-815 - Suspension of New Connections to the Town's Water System.

(a) After the General Manager/Town Manager ~~Town Council by resolution~~ declares that a water shortage condition exists, and the declaration is ratified by the Town Council by resolution, and this article becomes effective, and until the date the Town Council by resolution declares that the water shortage has ended, which period is hereinafter referred to as the "suspension period", no new or enlarged connection shall be made to the Town's water system except the following:

1. Connection of fire hydrants.

2. Connection of property previously supplied with water from a private water source (such as a well or spring) upon submittal and approval of the Town Engineer evidence that the private source has failed or dried up or has otherwise been impaired by the drought or water shortage event to such a degree that the source no longer can meet minimal potable water needs of the applicant.

~~3. During *mandatory* Stage 2 and 3 *Level 4, 5, and 6 water shortage emergency* if the overall mandatory rationing requirement is equal to or less than thirty (30%) percent, connection of property for which the applicant has obtained all approvals required for development (including a Building Permit), except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.~~

43. During *mandatory* ~~Stage 2 and 3~~ *Level 4, 5 and 6 water shortage emergency* ~~if the overall mandatory rationing requirement is greater than thirty (30%) percent~~, connection of property for which the applicant: has obtained all approvals required for development (including a Building Permit), except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and, either retrofits good quality water conservation fixtures and devices (one point twenty-eight (1.28) gallon per flush toilets, one point five (1.5) gallon per minute shower heads, and one point five (1.0) gallon per minute faucet aerators for kitchen sinks and lavatories) in five (5) existing single-family detached dwelling units served by the Town, or pays the Town one thousand five hundred

($1,500.00) dollars per equivalent single-family detached dwelling unit for which water service is being applied. These payments shall be used by the Town to help fund its expanded water conservation program efforts during the suspension period. If an applicant chooses the retrofit option and a selected home already has some water conserving fixtures, applicant shall install conservation fixtures in additional dwellings as determined necessary by the Town's Water Conservation Coordinator.

b. During the suspension period, applications for water service will be processed only if the applicant acknowledges in writing that such processing shall be at the risk and expense of the applicant and that if the application is approved in accordance with the Town's regulations, such approval shall confer no right upon the applicant or anyone else until the suspension period has expired, and that the applicant releases the Town from all claims of damage arising out of or in any manner connected with the suspension of connections.

c. Upon the termination of the suspension period, the Town will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period. The water supply then available to the Town will be apportioned equitably among all the customers then being served by the Town without discrimination against services approved during the suspension period.

d. Nothing herein shall prohibit or restrict any modification, relocation or replacement of a connection to the Town's system if the Town Engineer determines that the demand upon the Town's water supply will not be increased thereby.

12-3-820 - Waste of Water Prohibited.

a. No water furnished by the Town shall be wasted. Waste of water includes, but is not limited to, the following:

1. ~~Washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing.~~ *Washing hard or paved surfaces is prohibited except to alleviate safety or sanitary hazards using a handheld container, hose with an automatic shut off device, or a low-volume high pressure cleaning machine that recycles used water.*

2. Escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. ~~It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Town, is a~~ The reasonable time within which to correct such break or leak or, as a minimum, to stop the flow of water from such break or leak *shall be as established in the Water Shortage Contingency Plan currently in effect.*

3. ~~Irrigation in a manner or to an extent which allows excessive runoff of water or unreasonable over-spray of the areas being watered.~~ *Watering vegetated areas in a manner that causes excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter, or ditch is prohibited.* Every customer is deemed to have *the customer's* ~~his~~ water system under control at all times, to know the manner and extent of *the customer's* ~~his~~ water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.

4. *No landscape watering shall occur within 48 hours after measurable precipitation.*

5. ~~Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle that will cause the water to cease dispensing immediately when not in use.~~ Washing or hosing down cars, boats, trailers or other vehicles is prohibited except by use of a handheld container, hose with an automatic shut off device, or at a commercial car wash.

6. Water for non-recycling decorative water fountains. *Water for non-recycling decorative water fountains. Cleaning, filling, or operating water features, such as decorative fountains, except where the water is part of a recirculating system.*

7. Water for single pass evaporative cooling systems for air conditioning in all connections installed after July 18, 2007 unless required for health or safety reasons.

8. Water for new non-recirculating conveyor car wash systems.

9. Water for new non-recirculating industrial clothes wash systems.

10. Lodging establishments must offer opt out of linen service

11. Water for construction dust control when recycled water is available

b. Waste of water shall also include failure to put to reasonable beneficial use any water withdrawn from the Town's water system as determined by the Town Engineer.

12-3-825 – Prohibition of Non-Essential Use of Water.

a. No water furnished by the Town shall be used for any purpose declared to be non-essential by this article. The restrictions in this section shall not apply to use of recycled wastewater furnished by a government agency.

b. *At any and all times that a water shortage emergency condition is declared by the Town Council, as Levels 1, 2, 3, 4, 5 or 6 water shortage emergency as set forth in the following table, all customers may be asked to either voluntarily or by mandate reduce consumption of water furnished by the Town, as specified by resolution of the Town Council, and all customers of the Town must adhere to implement actions as specified in the adopted Water Shortage Contingency Plan, as amended.*

Water Shortage Level	***Percent Shortage Range***	***Shortage Response Actions***
0	*0% (normal)*	*A Level 0 Water Supply Shortage- Conditions exist when the Town notifies its water users tat no supply reductions are anticipated in the year. The Town proceeds with planned water efficiency best practices to support customer demand reduction in line with State mandated regulations and local Windsor goals for water supply resiliency. Permanent water waste prohibitions are in place as stipulated in the Town's Code including prohibitions of waste of water per Section 12-3-820*
1	*Up to 10%*	*Disruption to the Town's water delivery system or shortages in the amount of water available for delivered*

		by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 1 shortage, or equivalent.
2	*Up to 20%*	*Disruption to the Town's water delivery system or shortages in the amount of water available for delivered by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 2 shortage, or equivalent.*
3	*Up to 30%*	*Disruption to the Town's water delivery system or shortages in the amount of water available for delivered by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 3 shortage, or equivalent.*
4	*Up to 40%*	*Disruption to the Town's water delivery system or shortages in the amount of water available for delivered by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 4 shortage, or equivalent.*
5	*Up to 50%*	*Disruption to the Town's water delivery system or shortages in the amount of water available for delivered by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 5 shortage, or equivalent.*
6	*> 50%*	*Disruption to the Town's water delivery system or shortages in the amount of water available for delivered by Sonoma County Water Agency and/or Sonoma County Water Agency has declared a Level 6 shortage, or equivalent.*

c. *The District reserves the right to require additional mandatory measures beyond those in the Water Shortage Contingency Plan as determined by the District Board or Directors or Town Council.*

d. *Nothing in this chapter limits, or may be construed, as limiting the availability of water for extinguishing fires, meeting the demands of any other similar emergency, or routine inspection and maintenance of fire hydrants.*

~~Stage 1 Water Shortage Emergency Measures – Introductory Stage (fifteen (15%) percent voluntary reduction).~~

~~b. At any and all times that a Stage 1 water shortage emergency condition is declared to exist by the Town Council, all customers are asked to voluntarily reduce consumption of water furnished by the Town by fifteen (15%) percent, unless another percentage reduction is specified by resolution of the Town Council, and all customers of the Town are requested to:~~

~~1. Apply irrigation water only during the evening and early morning hours between 7 p.m. and 9 a.m. of the next day to reduce evaporation losses.~~

~~2. Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.~~

3. For irrigation valves controlling water applied to turf grass, vary the minutes of run-time consistent with fluctuations in weather.

4. Reduce minutes of run-time for each irrigation cycle if water begins to run off to gutters, ditches, and other adjacent impervious areas before the irrigation cycle is completed.

5. Become informed about and strictly adhere to the Town's Water Waste Prohibitions (refer to Section 12-3-820 hereof).

6. Utilize water conservation incentive, rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.

7. Take advantage of the free information available from the Town on how to use water efficiently, read a water meter, repair ordinary leaks, and how to apply water efficiently to the landscape.

c. At any and all times that a water shortage emergency condition of Stage 1 or greater is declared to exist by the Town Council, the following uses are declared to be non-essential:

1. Refilling a swimming pool drained after the date on which the initial water shortage emergency condition was originally declared to exist;

2. Water escaping from a broken pipe or leak once discovered and after passage of a reasonable amount of time to determine how to shut off the water (refer to Section 12-3-820 hereof);

3. Non-commercial washing of motor vehicles, trailers and boats except from a bucket with use of a hose equipped with a shutoff nozzle for a quick rinse.

Stage 2 Water Shortage Emergency Measures Mandatory Rationing Community Cooperation Method.

d. At the time of declaration of a Stage 2 or greater water shortage emergency, an overall mandatory rationing requirement for customers to collectively meet shall be established. In determining compliance, the Town shall rely on water production records comparing current production trends to trends that would normally be expected to occur, or as compared to a corresponding billing period identified by resolution of the Town Council. Individual customers who can conserve more than the mandatory conservation requirements established by this article are requested and strongly encouraged to do so voluntarily in order to help those customers who would incur economic hardship in order to meet the rationing level.

e. At any and all times that a water shortage emergency condition of Stage 2 or greater is declared to exist by the Town Council, the following additional uses are declared to be non-essential:

1. Any residential use (excluding irrigation only use) in excess of that resulting from application of the mandatory residential rationing requirement established by the Windsor Town Council.

2. Any irrigation only use in excess of that resulting from application of the mandatory irrigation rationing requirement or occurring outside of the allowed hours or days of the week as established by resolution of the Windsor Town Council.

~~3. Any non-residential use (excluding irrigation only use and healthcare and public safety use) in excess of that resulting from application of the overall mandatory rationing requirement established by the Windsor Town Council.~~

~~4. Any water used for healthcare and public safety (excluding irrigation only use) in excess of the minimum amount required to adequately provide for healthcare and public safety.~~

~~5. Any use of water from a fire hydrant except for fighting fires, human consumption, stock water, essential water system flushing and clean-up purposes, and water used for construction needs. If the overall mandatory rationing requirement is greater than thirty (30%) percent, a permit issued by the Town Engineer shall be required for all hydrant use except for water used for fighting fires or for other emergency use deemed essential by the fire chief.~~

~~6. Watering of any existing turf grass, ornamental plant, garden, landscaped area, tree, shrub or other plant except from a hand-held hose or container or drip irrigation system except as provided in Section 12-3-835 hereof.~~

~~7. Watering of new turf grass or replacement turf grass. If the overall mandatory rationing requirement is greater than thirty (30%) percent, this restriction is extended and applies to watering of any new landscape or replacement landscape except in cases where the replacement landscapes will use less water than the original landscape.~~

~~8. Initial filling of any swimming pool for which approval of a construction permit issued by the Town was made after the date on which the initial water shortage emergency condition was originally declared to exist.~~

~~9. Use for service of drinking water at any restaurant, cafe, cafeteria or other public place where food is sold, served or offered for sale, unless expressly requested by a patron.~~

~~f. Except in cases of blatant non-compliance, as solely determined by the Administrative Services Director, individual billing records will generally not be used during Stage 2 to determine compliance with the provisions of subsections e.1 through e.4 of this section, it being assumed that customers will cooperate to do the best that they can to individually meet or exceed the overall mandatory rationing requirement. Violations of non-essential uses that come to the attention of the Administrative Services Director however, will be enforced pursuant to the provisions of Section 12-3-845 hereof.~~

~~Stage 3 Water Shortage Emergency Measures – Mandatory Rationing – Allotment Method.~~

~~g.~~*e.* From and after the date that the Windsor Town Council, declares that a ~~Stage 3~~ *Levels 4, 5 or 6* water shortage emergency exists, *and required mandatory water use reductions* water use in excess of the following allotments established for each meter are in addition declared to be non-essential:

1. Residential meters serving single-family detached homes including mother-in-law or second units that are served by the same meter: *the Town shall establish an allocation based on water supply availability that shall not to exceed* sixty-five (65) gallons per capita per day times the number of permanent occupants. Permanent occupants shall be a whole number. Babies, children, adults and senior citizens whose principal place of residence is in the dwelling in question shall each count as one (1) occupant. In determining the number of permanent occupants, the Town shall rely upon data it has acquired from the customer or other sources. Provided sufficient time is available, the Town will attempt to canvas customers to obtain

current data on permanent household occupants. *Alternatively, without sufficient data, the Town may assume the most recent published United States Census persons per household for a owner-occupied single-family detached dwelling unit as the basis for the allocation times the Town defined allocation of gallons per day per capita.*

2. Residential meters serving multiple units: any use in excess of that resulting from application of the mandatory residential water use reduction ~~rationing requirement~~ established by the Windsor Town Council.

3. Irrigation only meters: any use in excess of that resulting from application of the mandatory irrigation water use reduction ~~rationing requirement~~ or occurring outside of the allowed hours and days of the week as established by resolution of the Windsor Town Council.

4. Meters serving any non-residential use (excluding irrigation only metered use and healthcare and public safety use): any use in excess of that resulting from application of the overall water use reduction ~~rationing requirement~~ established by the Windsor Town Council.

5. Meters serving water used for healthcare and public safety (excluding irrigation only use): any use in excess of the minimum amount required to adequately provide for healthcare and public safety.

6. Meters serving mixed uses: an allotment to be determined by the Town Engineer based upon the criteria contained in subsections ~~g~~*e*.1 through ~~g~~*e*.5 immediately above.

f~~h~~. Any customer exceeding their allotment, based on metered billing records, shall be billed and required to pay a penalty established by *the Master Fee Schedule* ~~the Windsor Town Council by resolution~~ at the time the *mandatory* ~~Stage 3~~ *Level 4, 5 or 6* water shortage emergency is declared. This penalty charge shall be waived for the first bill received after *mandatory* ~~Stage 3~~ *Level 4, 5 or 6 emergency* is implemented and shall terminate the day the suspension period ends.

*g*i. If a connection to the Town's system was not in existence or used in the corresponding billing period established for determination of the mandatory ~~rationing~~ *water use reduction* requirement, the Town will estimate use in such year based on other historic records and/or water use by customers having similar end uses.

~~j. The Administrative Services Director may increase or decrease the allotment for any customer if he determines that special circumstances exist and that to do so would better achieve equity in allocation of available water or better meet health and safety concerns.~~

~~k~~*h*. In addition to the non-essential uses and restrictions detailed in this article, the Town Council may by resolution specify additional non-essential uses of water, or other mandatory water use restrictions or penalty fees during the shortage period, as may be required from time to time to conform to State *and/or Sonoma County Water Agency* declarations, regulations, and requirements with respect to ~~drought~~ *water shortage* and water conservation matters.

i. During a declared Level Six water shortage emergency the Town Council may adopt, by resolution, additional water supply measures, including but not limited to: (a) restrictions on delivering water to new connections; (b) increased fees related to penalties for wasteful use of water, or other provisions as necessary in accordance with the adopted Water Shortage Contingency Plan or other Sonoma County Water Agency or state mandate. The District or Town Council may also adopt by resolution

provisions for customer rationing of existing connections in accordance with California Water Code Sections 350-359 or other local or state mandate

12-3-835 - Use of Sprinklers Conditional.

a. Any customer of the Town may use sprinklers to apply water furnished by the Town to irrigate any existing turf grass, garden, landscaped area, trees or shrubs provided said application is properly controlled and performed in a non-wasteful and efficient manner confined to the days of the week specified by resolution of the Town Council and to the hours of 7:00 p.m. and ~~9~~7:00 a.m. of the next day. In the event low pressure micro-jet sprayers are present in a drip system, irrigation by the valve(s) controlling same shall also be confined to the hours noted above.

b. The amount of water normally required for landscape irrigation shall be reduced by a percent set by resolution of the Town Council and shall hereafter be known as the ETo Adjustment Factor. This condition shall not apply to residential customers if ~~Stage~~ Level 3 water shortage emergency measures ~~allotments~~ are implemented.

c. In determining the amount of water to apply to turf grass, customers are encouraged to use the following formula:

Applied water for turf grass (gallons) =	Area of turf grass (square ft.) x ETo (inches for a given period of time—typically three (3) to seven (7) days) x ETo Adjustment Factor x conversion factor of zero point sixty-two (0.62)

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the plant factor for turf grass is one point zero (1.0). Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

d. In determining the amount of water to apply to landscaped areas containing a mixture of trees and shrubs, customers are encouraged to use the following formula:

Applied water for mixed trees and shrubs (gallons) =	Area of Landscape (square ft.) x ETo (inches or a given period of time—typically three (3) to seven (7) days) x ETo Adjustment Factor x plant factor of zero point six (0.6) x conversion factor of zero point sixty-two (0.62)

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the plant factor for mixed trees and shrubs is zero point six (0.6). Use of this formula to determine applied water will yield the appropriate amount of water to apply while *mandatory water use restrictions are* ~~rationing is~~ in effect.

e. Water applied by sprinklers shall be applied in short enough cycles to avoid run-off to gutters, drains, and other adjacent impervious areas.

f. During the suspension period, use of water by sprinklers is a privilege and permission to use water in this way may be withdrawn if it comes to the attention of the ~~Town~~ *District* Engineer that such use by a given customer is wasteful or in excess of the amount determined in subsection (b) of this section. A common result of wasteful application of water by sprinklers is evidence of runoff to a gutter or other adjacent impervious area.

g. Use of water pursuant to this section may be curtailed or eliminated during periods of water shortage as set forth in the Water Shortage Contingency Plan currently in effect.

12-3-840 - Variances.

~~Said application shall describe in detail why applicant believes a variance is justified. The Administration Services Director may grant a variance to permit a use of water otherwise prohibited by this article, if he/she *they* determines that failure to do so would cause:~~

~~1. An emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or~~

~~2. An unnecessary and undue hardship on the applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs.~~

~~b. The decision of the Administration Services Director to deny an application for variance under this section may be appealed to the Town Council by submitting a written appeal to the Town within fifteen (15) calendar days of the date of the decision. Variances granted by the Town Council shall be prepared in writing and contain any conditions imposed by the Town Council in granting said variance. The Town Council may require the variance be recorded at applicant's expense.~~

In unusual circumstances, application of this chapter may cause unnecessary hardships or results inconsistent with this chapter's purposes and intent. Therefore, variances to some of the requirements of this chapter may be appropriate as described below:

a. The General Manager may grant variances to water use restrictions provisions during a Level 1, 2 or 3 declared Water Shortage Emergency as specified in Water Shortage Contingency Plan. During level 4, 5 or 6 water emergency, as specified in the Water Shortage Contingency Plan, any previously granted variances shall be suspended without notice, unless they are based on a critical health need as determined by a licensed medical professional, with such determination being provided to the General Manager.

b. Customers who seek a variance from this chapter for any reason shall submit to the District a written request for variance, setting forth, in detail, the extraordinary circumstances that support the application. The General Manager may approve the application at their discretion; provided, that the variance allows the applicant to use only the minimum amount of water, in addition to that allowed by this chapter, that the General Manager reasonably believes is necessary to satisfy the circumstances that support the application. Any such variance shall terminate one year after its issuance, subject to an application for its renewal.

c. Any customer of the Town may make written application for a variance. Applications shall be addressed to:

Utility Billing
Town of Windsor
9291 Old Redwood Highway
P.O. Box 100
Windsor, CA 95492

12-3-845 - Enforcement and *Penalties.* ~~Fees.~~

The goal of the provisions of this chapter are to achieve voluntary compliance from the customer, and the District will take reasonable measures to assure the customer has information available to promptly and efficiently address water use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows:

Violation	***Penalty***
First	*Personal or written notification of the violation*
Second	*Written notification and issuance of a notice to correct*
Third	*Issuance of an administrative penalty per the Master Fee Schedule*
Fourth	*Issuance of an administrative penalty per the Master Fee Schedule*
Fifth	*Issuance of an administrative penalty per the Master Fee Schedule*
Final	*Disconnected water service and/or other penalties as provided in the notice of violation and as determined by the General Manager*

~~a. During Stage 3 should the Administrative Services Director become aware of any violation of any provision of this article, the following enforcement procedure shall be undertaken:~~

~~1. For the first such violation, the customer shall be given a warning, generally by phone or directly in person by a Town employee, or by leaving a door tag notice informing the customer of the problem and asking that it be corrected.~~

~~2. If the violation continues or is repeated, a certified letter shall be mailed to the customer who receives the water bill. Said letter shall describe the violation and request that it be corrected, cured and abated immediately or within such specified time as the Administrative Services Director determines is reasonable under the circumstances. Said letter shall state the consequences of noncompliance with the request.~~

~~3. If the violation continues, the Administrative Services Director may forthwith order disconnection of the service where the violation occurs.~~

~~b. Before reconnection of a service, the customer must stop the violation, pay all past due charges on the account, and pay a Violation Reconnection Fee.~~

~~c. If, during the suspension period, a water service is disconnected two (2) or more times because of violation of this article, a flow restriction device may be installed by the Town before service is~~

~~reconnected. Furthermore, the customer must stop the violation, pay all past due charges on the account, and pay a Second Violation Reconnection Fee. If a flow restriction device is installed, the Town shall remove same after expiration of the suspension period.~~

a. Violations will be based on observation(s) and documentation of waste by District staff, including but not limited to evidence of continually running water by meter readings, physical inspection, and/or visual observation of the occurrence. Violations are subject to the enforcement provisions in Section 12-3-845.

b. ~~d.~~ It shall be unlawful for any customer to willfully tamper with or in any way modify or attempt to modify a Town meter or anything within the Town's meter box. Violation shall result in customer being charged a Meter Tampering Fee plus the cost of labor and materials to remedy any damage caused to the Town's equipment as a result of such tampering.

c. ~~e.~~ Anyone who willfully takes water from the Town water system without the Town's permission or who willfully tampers with or causes damage to any Town meter or water system appurtenance is liable to the Town in the sum of time and materials, plus citation for code violation, as a civil penalty, for each subsequent act during the suspension period. This sum shall be recoverable by civil suit in a court of competent jurisdiction. This section does not limit the Town's right to recover the cost of any Town water taken without the Town's permission.

d. ~~f.~~ All customer fees required by this section shall be set by a resolution of the Town.

e. There shall be no appeal of the water use restrictions identified in the Chapter or Water Shortage Contingency Plan. Any appeal of other decisions shall be appealable in writing to the General Manager and if still unresolved a second appeal may be sent in writing to the District Board of Directors.

12-3-850 - Severability.

If any section, subsection, sentence, clause, phrase, or word of this article is for any reason held to be invalid, the validity of the remaining portion of this article shall not be affected.