

## APPENDIX D

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### Town's Water Conservation and Drought Management Ordinances



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### **Article 3. - General Regulations**

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#### **12-3-300 - Illegal Tapping of Water Prohibited.**

No person shall unlawfully connect or procure another to connect with any water main owned or operated by the District without the knowledge and consent of the Water Collector.

No person shall improperly make or procure to be made such connection for the purpose of appropriating water and to evade payment therefor.

#### **12-3-305 - Tampering with Water Meters Prohibited.**

No person shall injure or alter or procure to be injured or altered any water meter, or obstruct the working of the same with the intent to evade payment of water charges.

No person shall maliciously tamper with or injure any such water meter.

#### **12-3-310 - Low Flush Toilets Required.**

In order to conserve water and reduce the need for accelerated construction of new water sources and production facilities, the District shall require that all toilets, or water closets installed within the District boundaries, or served by District water or sewer facilities, whether new construction or remodeling or existing structures, requiring the issuance of a building permit, shall be of an "ultra low flush" (no more than one point six (1.6) gallon) type water closet, as approved by the Board.

#### **12-3-315 - Application for Permit by Past Delinquent.**

When an application for water service is made by a former consumer who was responsible for and failed to pay all bills for service previously rendered, regardless of location or time when incurred, the District

shall refuse to furnish service to such applicant until the outstanding bills are paid, and, as a guarantee for the payment of future bills, a guarantee of payment as prescribed in Section [12-3-225](#) shall be made.

#### **12-3-320 - Certain Premises to Be Separately Metered.**

Each dwelling unit and each duplex, whether inside or outside of the District, shall be separately metered. Where business premises are located in separate buildings on the same lot or parcel, each such separate premises may be separately metered. No consumer of a utility service shall convey any part of such service from his/her property to a separate lot or parcel of property, whether or not the other lot or parcel of property is owned by the same consumer.

#### **12-3-325 - Exceptions From Separate Meter Requirements.**

Separate meters are not required for guest houses, dwelling groups, boardinghouses, apartment houses, hotels, motels, auto courts, trailer courts or multiple business occupancies in a single commercial building or on a single parcel.

#### **12-3-330 - Increasing Size of Service.**

When the requirements of a customer exceeds the capacity of the water service in use, a larger service and meter may be installed by the District upon payment of the estimated cost of replacing the line plus thirty (30%) percent and payment of the meter charge as shown in the current schedule of fees and charges and provided the larger service will not adversely affect the supply of any existing service. The applicant will be credited with the meter charges of the former service.

#### **12-3-335 - Rearrangement of Service.**

If an applicant desires a change in the location or arrangement of size of meter or service lines, the applicant must bear all costs of such change in location.

#### **12-4-340 - Meters Required for Water Service Outside District.**

All water services outside the District shall be metered.

#### **12-3-345 - Location of Meters; Additional Meters.**

The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of consumer's pipe line shall not be determinative of the location of the service connection, unless prior approval of the District has been obtained.

All water meters shall be located on the private property side of the sidewalk or at a point of the premises nearest the road or street on which the property faces. Charges for a single lateral and meter service shall be as set forth in resolution of the District. Additional meters manifolded from a single lateral shall be installed by the owner at no expense to the District and such installation shall be inspected and approved by the District Inspector.

Every service connection shall be equipped with an angle meter ball valve. Such valve shall be on the street side of the meter. A customer valve shall be installed at the building; such valve shall remain the property of the customer.

#### **12-3-350 - Meter Failure.**

If a meter fails to register due to any cause except the nonuse of water, the charge for water will be made on the basis of the average charge per month covering the period of the preceding months, first ascertaining whether the meter has properly functioned during such period and whether normal conditions prevailed in regard to the use of the water at the premises supplied. In the preparation of such averaged bills due consideration will be given to fluctuations caused by seasonal changes or any interruption to the service known to have occurred.

If the accuracy of a meter is questioned by a customer, the customer shall deposit with the District a meter test fee, after which the District will have the meter accurately tested. If the test shows the meter to be registering

more than two (2%) percent in excess of the actual quantity of water passing through it, the District will return the deposit, adjust any overcharge during the preceding three (3) months resulting from the inaccuracy of the meter, and set another meter at the service location. Should the meter be accurate within two (2%) percent, the deposit will not be returned to the customer whether or not the District sets a new meter.

### **12-3-355 - Meter Access.**

The meter reader shall have the authority to enter any premises for the purpose of reading water meters and for inspecting, testing, replacing or removing water meters and meter boxes. The meter reader shall seal off all meters so ordered by proper application of the consumer and shall restore such services upon the proper application of a new consumer. All connections and disconnections shall be properly recorded in the records of the meter reader. The meter reader shall make, when required, any other disconnections provided by this article.

### **12-3-356 - On-going Operation, Access and Maintenance of Water Meters and Appurtenances.**

The following standards shall apply to the operation, access and maintenance of Town water meters and associated appurtenances:

1. Water meters and appurtenances shall be accessible at all times by any designated Town employee.
2. Access to water meters and appurtenances shall not be fenced or blocked by posts, mailboxes, growth, trash, debris, storage, etc.
3. Fencing and landscaping shall be located behind the meter and/or appurtenance or, with the written approval of the Administrative Services Director, shall have a gate or panel immediately adjacent to the water meter and/or appurtenance for easy accessibility by the designated Town employee.
4. There shall be a three-foot horizontal clearance (from the outside of the meter box and/or appurtenance) on all sides and a six-foot vertical clearance to allow access for reading, inspecting, testing, replacing or removing water meters, meter boxes, and appurtenances.
5. No obstructions may be placed in front of or within the required horizontal and vertical clearance that would deter or hinder free immediate access at all times.
6. No fencing or landscaping shall encroach in this clearance area. Fencing and other structures shall not obstruct or deter from Town access any water meters and/or appurtenances.

*(Ord. No. 2002-155 § 1)*

### **12-3-360 - Shutdowns.**

The water of any consumer may be shut off from the main at any time for repairs, alterations or other purposes and the District shall inform such consumers, in advance, of the time such shutdown will occur and although notice is not received by the consumer due to his/her absence, the District will not be responsible nor liable for any consequent damage resulting from such shutdown.

In the event of an emergency necessitating immediate action the service of any consumer may be shut off without prior notice and the District will not be liable for any consequent damages resulting from such shutdown.

### **12-3-361 - Regulations and Restrictions on Water Use.**

- a. Purpose. The purpose of this section is to promote water conservation and the efficient use of potable water furnished by the Town of Windsor by eliminating all intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment which is wasteful. Customers of the Town of Windsor shall comply with the following regulations and restrictions on water use:
- b. Nonessential Uses. No customer of the Town of Windsor shall engage in or permit the following nonessential uses of potable water from the Town, regardless of whether the purpose is residential, commercial, institutional, industrial, agricultural or other:
  1. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, to wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
  2. The 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 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;

3. Irrigation in a manner or to an extent which allows excessive runoff of water or unreasonable over spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
  4. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;
  5. Water for nonrecycling decorative water fountains;
  6. Water for single pass evaporative cooling systems for air conditioning in all new installations unless required for health or safety reasons;
  7. Water for new nonrecirculating conveyor car wash systems;
  8. Water for new nonrecirculating industrial clothes wash systems.
- c. Exempt Water Use. All water use associated with the operation and maintenance of fire suppression equipment or employed by the Town for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by private well or from a reclaimed water, grey water or rainwater utilization system is also exempt.
- d. Variances. Any customer of the Town may make written application for a variance. Such application shall describe in detail why applicant believes a variance is justified.
1. The Town Manager or his/her designee may grant variances for the use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public, or that denial would cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
  2. The decision of the Town Manager may be appealed to the Town Council by submitting a written appeal to the Town Clerk within fifteen (15) calendar days of the date of the Town Manager's decision. Upon granting any variance on appeal, the Town Council may impose any conditions it determines to be just and proper. Variances granted by the Town Council shall be prepared in writing and the Town Council may require the variance be recorded at applicant's expense.
- e. Enforcement and Fees. Depending on the extent of the water waste the Town may, after written notification to the customer and a reasonable time to correct the violation, as solely determined by the Town, take some or all of the following actions. Penalties, fees and charges noted below shall be established by resolution of the Town:
1. Written notice to the customer of the waste water violation including a specified period of time from notification to correct the violation;
  2. Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date by which the violation is to be corrected may be left on the premises and a copy of the notice sent by certified mail to the customer;
  3. The Town may install a flow-restricting device on the customer's service line;
  4. The Town may levy a water waste fee on the customer, which after service of written notice of the fee, as provided for above shall become a special assessment against the property on which the waste occurred and be collected at the same time and in the same manner as ordinance Town taxes. The procedure for such assessment shall be as provided for Title 3, Chapter 8, Article 3 of this Code;
  5. The Town may cause termination of water service and the charge for same shall be billed to the customer. Except in some cases of extreme emergency as solely determined by the Town Manager, service shall not be restored until the Town verifies that the violation has been corrected and all charges and fees have been paid.

(Ord. No. 99-123 § 1; Ord. No. 2000-129 § 1)

### **12-3-365 - Maintenance of Water Service Connection Generally.**

All water service pipes and connections to water mains within the District shall be installed and maintained by the District to the customer side of the meter. Any service pipe, fittings or water meter damaged as a result of negligence, malicious acts or intent shall be repaired by the District and the actual cost of the repair shall be charged to the owner or consumer.

### **12-3-370 - Water Service Outside District Generally.**

The District may furnish and provide surplus water to persons outside the corporate limits of the District subject to the execution of an outside water service agreement, and payment of all fees established by the Board. Meters shall be of a type approved by the District and may be purchased from the District at cost. The meter shall be installed at the expense of the owner or consumer at a point on the premises nearest the road or street on which the property faces; the location and installation to be approved by the District Inspector.

Any water pipe or main to be used or carry water to a consumer outside the District shall be of a type and quality approved by the District Inspector and a map showing its location shall be furnished to the District upon completion of installation of the pipe. The District shall not be liable for any expense incurred in the installation or maintenance of water pipes, mains or services outside the corporate limits of the District and the time and material cost of the connection made by the District to the District water main shall be charged to the applicant.

#### **12-3-375 - Tank Truck Water.**

No person shall draw or consume water from any standpipe or fire hydrant for the purpose of filling a tank truck or for any other purpose without first making an application for such service with the District. A deposit as required by resolution of the Board shall be required at time of filing application. This deposit, less a charge of a connection and disconnection fee, and less charges for actual water used is refundable to the applicant upon completion of use of hydrant. Where total charges exceed the deposit, the applicant shall pay to the District all other charges on demand by the District.

The rate for water consumed under this section shall be as provided from time to time by resolution of the Board.

No person shall draw or consume water from any standpipe or fire hydrant for purposes set forth in this section without first presenting a copy of his application to the District. Upon consideration of the time, in days or weeks in which withdrawals will be made, the General Manager shall designate the standpipe or hydrant to be used and connect a water metering device to the hydrant. The applicant must use only an approved hydrant wrench. Applicant shall be charged replacement cost for loss of, damage to or failure to return hydrant wrench to the District.

#### **12-3-380 - Cross Connections Prohibited.**

No water pipe on any consumer's premises shall cross-connect the District water system with any other source of water supply.

#### **12-3-385 - Failure to Obey Provisions of Article.**

If an owner or consumer fails to comply with any of the provisions of this article, the District shall have the right to refuse or discontinue service.



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## Article 8. - Conservation of Water Supply

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### 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.

(Ord. No. 2007-218 § 2)

### 12-3-805 - Definitions.

The terms used in this article shall have the following meanings:

- a. *Corresponding billing period* means a similar billing period occurring in a prior designated year to which current water use is compared for the purpose of determining the percent reduction in use.
- b. *Drip system* means an irrigation system downstream of a reduced pressure device fitted with drip emitters, bubblers or low pressure micro-jet sprayers.
- c. *ETo* means evapotranspiration demand reported as reference evapotranspiration for each California Irrigation Management Information System (CIMIS) weather station located in Sonoma and Marin Counties. (Local ETo data is available on the CIMIS website: <http://wwwcimis.water.ca.gov/cimis/welcome.jsp>)
- d. *ETo adjustment factor* means a factor to multiply times ETo to determine the appropriate amount of sprinkler water to apply to turf grass, garden, landscaped area, trees, or shrubs while rationing is in effect. The amount of water to apply is found by multiplying the area of landscape to be irrigated (square ft.) times the appropriate ETo Adjustment Factor (see percentage in Section 9(c)) times ETo (inches for a given period of time—typically three (3) to seven (7) days) times seven point forty-eight over twelve (7.48/12) to convert to gallons.
- e. *Healthcare and public safety use* means use of water by customers whose principal purpose is to provide health services to the public (such as hospitals, clinics, invalid and senior care facilities and homes, and doctor, dentist, optometrist and chiropractor offices, etc.) or which provide vital public safety services (such as police stations, jails, fire stations, utility services, etc.). Not included in this class are office buildings that provide solely administration services (such as health insurance organizations, etc.) or landscaping uses at any healthcare or public safety site.
- f. *Irrigation only use* means water use downstream of a Town owned billing meter whose principal purpose and design is to serve irrigation use.
- g. *Overall mandatory rationing requirement* means the percent reduction in overall withdrawals from the water system determined by the Town Council to be necessary in order to achieve and to safely survive the water shortage emergency.

- h. *Run-time* means the duration in minutes either programmed or set for each valve controlled by an irrigation system clock (controller) or manually operated.
- i. *Shop unit* means a type of residential unit which is separately metered and which involves a dwelling unit that is incorporated into the premises of a business—sometimes also referred to as a shop house or live/work unit.
- j. *Sprinklers* means as used in this article the term sprinklers means an irrigation sprinkler connected to a hose, irrigation sprinklers connected to an in-ground pipe system, and soaker hoses or porous pipelines operating off of normal service pressure.

(Ord. No. 2007-218 § 3)

### **12-3-810 - Effect of this Article.**

This article shall take effect immediately, shall supersede and control over any other ordinance or regulation of the Town in conflict herewith, and shall remain in effect until the Town Council declares that the water shortage emergency has ended.

(Ord. No. 2007-218 § 4)

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

- a. From the effective date of this article 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 Stage 2 and 3 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, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
  - 4. During Stage 2 and 3 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 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, two point five (2.5) gallon per minute shower heads, 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, 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.

(Ord. No. 2007-218 § 5)

### **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.
  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 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.
  3. Irrigation in a manner or to an extent which allows excessive runoff of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.
  4. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle.
  5. Water for non-recycling decorative water fountains.
  6. 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.
  7. Water for new non-recirculating conveyor car wash systems.
  8. Water for new non-recirculating industrial clothes wash systems.
- 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.

(Ord. No. 2007-218 § 6)

### **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.
- 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 and all customers of the Town are requested to:
1. Apply irrigation water only during the evening and early morning hours 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 and ditches 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;
  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. 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 established by 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 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. From and after the date that the Windsor Town Council, declares that a Stage 3 water shortage emergency exists, 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: 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.
  2. Residential meters serving multiple units: any use in excess of that resulting from application of the mandatory residential 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 rationing requirement established by 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 mandatory 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.1 through g.5 immediately above.
- h. Any customer exceeding their allotment, based on metered billing records, shall be billed and required to pay a penalty established by the Windsor Town Council by resolution at the time the Stage 3 Water

Shortage Emergency is declared. This penalty charge shall be waived for the first bill received after Stage 3 is implemented and shall terminate the day the suspension period ends.

- i. If a connection to the Town's system was not in existence or used in the year established for determination of the mandatory rationing 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.

(Ord. No. 2007-218 § 7)

**12-3-830 - Signs on Lands Supplied from Private Sources or Supplied with Recycled Water.**

The owner or occupant of any land within the water service area of the Town that is supplied with recycled wastewater or water from a source not owned or operated by the Town (such as a well, spring or legal surface diversion) which is used to irrigate landscape which is visible to the general public, will be requested to post and maintain in a conspicuous place thereon a sign furnished by the Town giving public notice of the private supply.

(Ord. No. 2007-218 § 8)

**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 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 nighttime hours of 7:00 p.m. and 9:00 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 nighttime hours noted above.
- b. The amount of water normally applied for landscape irrigation shall not exceed eighty (80%) percent (or such percent as specified by resolution). This condition shall not apply to residential customers if Stage 3 allotments are implemented.
- c. In determining the amount of water to apply to turf grass, customers are encouraged to use the following formula:

<b>Applied water for turf grass (gallons) =</b>	<b>Area of turf grass (square ft.) × ETo (inches for a given period of time—typically three (3) to seven (7) days) × ETo Adjustment Factor of zero point sixty-four (0.64) × conversion factor of zero point sixty-two (0.62)</b>
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The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the crop coefficient for turf grass is zero point eight (0.8). 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:

<b>Applied water for mixed trees and shrubs (gallons) =</b>	<b>Area of Landscape (square ft.) × ETo (inches or a given period of time—typically three (3) to seven (7) days) × ETo Adjustment Factor of zero point forty-eight (0.48) × conversion factor of zero point sixty-two (0.62)</b>
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The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the crop coefficient 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 rationing is in effect.

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

(Ord. No. 2007-218 § 9)

**12-3-840 - Variances.**

- a. 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
- 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 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.

*(Ord. No. 2007-218 § 10)*

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

- a. During Stage 2 or 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.
- 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.
- 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.
- f. All customer fees required by this section shall be set by a resolution of the Town.

*(Ord. No. 2007-218 § 11)*

**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.

(Ord. No. 2007-218 § 12)