

**ORDINANCE NO. 714**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SHASTA  
DECLARING A WATER SHORTAGE AND  
IMPOSING WATER USE CONSERVATION AND PENALTIES  
AND IMPOSING WATER COST RECOVERY FEES IN  
COUNTY SERVICE AREA NO. 2 – SUGARLOAF WATER,  
COUNTY SERVICE AREA NO. 3 – CASTELLA WATER,  
COUNTY SERVICE AREA NO. 6 – JONES VALLEY WATER,  
COUNTY SERVICE AREA NO. 8 – PALO CEDRO WATER,  
COUNTY SERVICE AREA NO. 11 – FRENCH GULCH WATER,  
COUNTY SERVICE AREA NO. 13 – ALPINE MEADOWS WATER,  
COUNTY SERVICE AREA NO. 23 – CRAG VIEW WATER, AND  
COUNTY SERVICE AREA NO. 25 – KESWICK WATER**

The Board of Supervisors of the County of Shasta ordains as follows:

**SECTION 1. Declaration of Water Shortage**

In response to drought conditions and the resulting reduction of water supply availability, and recognizing the need to protect the public health, safety, and welfare, a water shortage is declared. While the declaration of water shortage remains in effect, no person in a County Service Area serving water shall use, or cause to be used, water in violation of the following limitations or restrictions as mandated by California Code of Regulations, title 23, section 865.

**SECTION 2. Outdoor Water Conservation**

- (A) No person shall use, or cause to be used, any County Service Area water for outdoor landscapes during and up to 48 hours after the day of a measurable rainfall.
- (B) No person shall use, or cause to be used, any County Service Area water for outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- (C) No person shall use, or cause to be used, any County Service Area water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- (D) No person shall use, or cause to be used, any County Service Area water to wash driveways and sidewalks.
- (E) No person shall use, or cause to be used, any County Service Area water for a fountain or other decorative water feature, except where the water is a part of a recirculating system.
- (F) References in this article to a measurable rainfall shall mean greater than 0.00 inches reported at the automated rain gauge at Shasta Dam operated by the United States Bureau of Reclamation.

### **SECTION 3. Penalties for Violation**

- (A) The following penalties shall be imposed for violation of any of the provisions of Section 2. Any violations occurring on separate calendar days shall be considered separate violations.
- (B) First violation during any twelve (12) month period: No penalty shall be imposed, but a written notice describing the violation and the penalties for subsequent violations shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred.
- (C) Second violation during any twelve (12) month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of twenty-five dollars (\$25.00) shall be imposed.
- (D) Third violation during any twelve (12) month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of one hundred dollars (\$100) shall be imposed.
- (E) Fourth violation and any successive violations during any twelve (12) month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of five hundred dollars (\$500) shall be imposed.
- (F) The written notices specified above shall provide notice of the right to appeal pursuant to Section 4 and shall specify the address where the notice of appeal shall be filed.
- (G) The penalties specified above shall be imposed on the owner of the premises where the violation occurs regardless of whether the violation is committed by the owner of the premises or any other person.
- (H) The time periods between violations specified above shall not apply to future water shortage declarations should this water shortage declaration be repealed.

### **SECTION 4. Appeal**

- (A) The owner or occupant of the premises where the violation occurred may appeal a notice of violation issued under Section 3 to the Public Works Director (Director) for review and determination, by filing a written notice of appeal with the Director not later than thirty (30) days after the notice of violation is issued. Such notice of appeal shall specify the grounds for appeal and shall provide the appellant's address and telephone number, with a statement that the appellant agrees to accept service at such address of the written notice of the time and place of the appeal hearing and the determination of the Director or the Director's designee.

- (B) Upon receipt of a timely notice of appeal, the Director or the Director's designee shall set the matter for an informal hearing at the earliest practical date. Not less than seven (7) days prior to the date of hearing, the Director or the Director's designee shall provide written notice of the hearing to the appellant. At the hearing, the Director or the Director's designee shall hear any relevant evidence presented by the appellant or department staff, and may uphold, modify or rescind the notice of violation, including the penalty imposed by the notice of violation, if any. The person filing the appeal shall be provided written notice of the determination of the Director or the Director's designee, which shall be the County's final administrative determination of the matter.
- (C) The failure of the owner or occupant of the premises where the violation occurred to file a timely notice of appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust the owner's and occupant's administrative remedies with regard to the notice of violation.
- (D) Upon determination after appeal by the Director or the Director's designee that a penalty shall be imposed, or upon issuance of a notice of violation and penalty and expiration of the appeal period specified in subsection (A) with no notice of appeal being filed, the penalty amount shall be included on the bill for water service provided to the premises where the violation occurred and shall be collected in accordance with the provisions normal billing procedures.

#### **SECTION 5. Access to Customer Premises; Compliance**

- (A) A customer receiving water service from a County Service Area shall provide the Department of Public Works' employees and/or contractors access to and use of the premises where water service is received as may be required by the County's employees or contractors to determine whether there is any violation of any of the provisions of Section 2 or to abate any violation thereof. If the customer refuses to allow such access, the County may seek authorization from any court of competent jurisdiction for such access and abatement.
- (B) Compliance with the provisions of this article shall be a condition of the customer receiving or continuing to receive County Service Area water service.

#### **SECTION 6. Consent of the Director**

Whenever in this article a person is authorized to obtain the consent of the Director to perform an act otherwise prohibited, the Director may give consent on such conditions as the Director may specify, and the Director shall give such consent only where the Director determines:

- (A) There is no practical alternative manner in which the person may accomplish the desired result; and
- (B) The desired result is of substantial importance when compared with the importance of conserving water resources as set forth in this article.

**SECTION 7. Fire and Other Emergencies**

Nothing in this article shall be construed to apply to the use of County Service Area water for purposes of extinguishing fire or any other similar emergency.

**SECTION 8. Adoption**

This ordinance shall take effect and be in full force and effect from and after 30 days after its passage. The clerk shall cause this ordinance to be published as required by law.

**SECTION 9. Expiration**

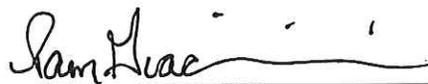
This ordinance shall remain in effect until repealed by the Board of Supervisors.

**SECTION 10. Supersedence**

Upon going into effect, this Ordinance supersedes and repeals any previous water conservation ordinances, including Ordinance 702, adopted April 14, 2015.

**DULY PASSED AND ADOPTED** this 14th day of June, 2016 by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Kehoe, Moty, Giacomini, Schappell, and Baugh  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: None



\_\_\_\_\_  
PAM GIACOMINI, CHAIRMAN  
Board of Supervisors  
County of Shasta  
State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By: Candice Houtar  
Deputy

THIS INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST JUN 16 2016

CLERK OF THE BOARD  
Supervisors of the County of Shasta, State of California  
BY: Candice Houtar