

## 12.0 WASTING OF WATER PROHIBITED

### 12.1 General

It is a violation of these Rules and Regulations to waste water and to allow any appliance, fixture, equipment, sprinkler system, faucets, or other similar water-using facility to leak, overflow or operate in a wasteful manner, or for a customer to use water for purposes other than those for which the customer paid upon requesting service.

- A. Purpose. This article is not intended to regulate or prevent the beneficial use of water on property within the District service area. It is intended to prevent and discourage the waste of water within the District service area.
- B. Wasting water defined, prohibited. No person shall waste any water supplied within the District service area. In general, the water is put to waste if it is not beneficially used and it is hereby determined that the waste of water specifically includes but is not limited to the following:
1. Water running off a landscaped area to another area where it is not beneficially used such as to a street, sidewalk, gutter, alley, public utility easement or parking area paved or unpaved;
  2. Washing vehicles in a driveway in a manner that uses excess water beyond that reasonably necessary for washing and rinsing;
  3. The hosing down of driveways, sidewalks and other landscape should be limited and accomplished in a way that the water will run off into other landscaped areas, but, in no event, in a manner that uses excess water beyond that reasonably necessary for washing and rinsing; or
  4. Any use of water in excess of that reasonably necessary to accomplish the intended task.
- C. Causes of wasting water. A typical significant cause for the waste of water is the failure to properly maintain outdoor watering systems. Specific examples of such failure to maintain include but are not limited to the following:
1. Damaged or missing spray heads;
  2. Damaged or missing bubbler heads;
  3. Damaged or missing drip irrigation lines;
  4. Failure to properly maintain berms, laterals and pipes for urban irrigation; or
  5. Failure to properly maintain automatic timing systems on landscape watering.
- D. Leakage, escape of water prohibited. It is hereby prohibited for anyone to permit the excess use, loss or escape of water through breaks, leaks or malfunction in the water user's plumbing or distribution facilities for any period of time after such escape of water should have reasonably been discovered and corrected.

### 12.2 Appeals and Exceptions

- A. Application for exemption. The District's Chief Engineer may grant an exemption for the uses of water otherwise prohibited hereby if he/she finds and determines that compliance with

this article will be detrimental to the health, safety and welfare of the public. The District's Chief Engineer may grant such exception only upon an application in writing, which sets forth the specific facts, and circumstances which applicant claims to justify the granting of a variance. Upon granting any such exception, the District's Chief Engineer may impose any conditions he determines to be reasonable and proper. The conditions shall include, at a minimum, a water conservation audit of the applicant's facility.

### 12.3 Enforcement

- A. First violation. For a first violation, the District shall issue a warning by written notice of first violation and provide educational materials on water conservation and the written policy for the watering schedule including times, to the water user violating the provisions of this article. The District may however make additional contacts and verbal notifications prior to a first violation being determined.
- B. Second violation (for the same matter). The District shall issue a second written notice of violation to the water user for a second violation of this article within a twelve (12) month period. A fine as specified in the current District Rate Resolution will be added to the water bill for the address with the violation. The District may however make an additional contacts and verbal notifications prior to a second violation being determined.
- C. Third violation (for the same matter). The District shall issue a third written notice of violation to the water user for a third violation of this article within a twelve (12) month period. A fine as specified in the current District Rate Resolution will be added to the water bill for the address with the violation. The District may however make an additional contacts and verbal notifications prior to a third violation being determined.
- D. Fourth violation (for the same matter). The District shall issue a fourth written notice of violation to the water user for a fourth violation of this article within a twelve (12) month period. A fine as specified in the current District Rate Resolution will be added to the water bill for the address with the violation. The District may however make an additional contact and verbal notifications prior to a fourth violation being determined.
- E. Subsequent violations (for the same matter) after the fourth violation; discontinuance of service. For any violation subsequent to the fourth violation of this article within twenty-four (24) months after the date of issuance of notice of first violation, a penalty as specified in the current District Rate Resolution will be added to the address that the violations occurred. The District shall discontinue water service with written notification to that customer at the premises or to the meter where the violations occurred. In addition, the District may require a security deposit. The District shall also be entitled to file an action to force compliance with these Rules and Regulations by injunctive and other appropriate legal relief.

### 12.4 Notice

- A. Written notice. A written notice shall be issued for each violation. The first notice shall be delivered in person or by regular mail to the water user. All subsequent notices will be delivered in person or by certified mail to the person identified on the account for the meter through which the wasted water was supplied. The notice will:
  - 1. Inform the water user that second, third, fourth or subsequent violation of these regulations, above, has occurred;
  - 2. Specify when the previous violation(s) (of the same matter) occurred;

3. Inform the water user of the requirement for water audit and the development of a compliance schedule indicating when required measures will be completed;
4. Inform the water user that failure to correct the problem within the time limit provided for in the compliance schedule will result in another notice of violation; and
5. The notice shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his right to a hearing on the violation. The effective date of violation shall be the date of issuance of the notice of violation.

## **12.5 Hearings**

- A. Right to hearing. Any person against whom a penalty is levied pursuant to this section shall have a right to a hearing with the Administrative Control Board.
- B. Reservation of rights. The rights of the District pursuant to this article are cumulative to any other right or ordinance of the District in relation to the water user. All monies collected by the District pursuant to any of the penalty provisions of this article shall be deposited in the District operating account.

## **13.0 WATER CONSERVATION**

### **13.1 General Regulations**

Mountain Regional Water Special Service District takes water conservation very seriously. All customers and users of retail water within the District shall conform to these regulations and if adopted, the most recently adopted or amended District Water Conservation Plan.

### **13.2 Wholesale Customers**

Wholesale customers of District water may be required to furnish to the District a copy of an adopted and implemented conservation plan within three (3) months of a written request from the District.

### **13.3 County Conservation Ordinance**

Any Conservation Ordinance adopted by the County shall take precedence to these Rules and Regulations where any conflict may exist.

### **13.4 Violations**

The violation of any major conservation regulation under this resolution, the Conservation Plan of the Development, or the Conservation Plan of the District may result in a thirty percent (30%) water conservation violation surcharge or penalty being added to each monthly water bill for retail customers. This surcharge or penalty is calculated as a percentage of the total bill, including base fees plus any applicable overage charges.

### **13.5 Enhanced Irrigation for Major Developments**

Any major development (over 30 ERC's or irrigated land exceeding 5 acres) serviced by the District grants an implied consent to the District through receipt of District water services to allow for the installation, maintenance, and monitoring of weather, rainfall, and/or evapotranspiration calculation equipment on their property to better monitor optimum water needs for the development. New developments may be required to install this equipment at developer expense, using the same procedures as outlined for other water distribution facilities in these regulations.

### **13.6 Water Conservation Reports and Plans**

- A. New non-residential buildings or structures, "Water Conservation Report". The District may request that a "Water Conservation Report", signed by a Utah registered architect or engineer be filed with the District before a District Water Availability and Concurrency Letter and/or water connection is issued or allowed for new non-residential buildings or structures unless. A "Water Conservation Report" shall contain the following:
1. A detailed section on proposed uses of water in the industrial process which must demonstrate conservation-oriented techniques, and that the water use is employing the latest commercially available technology consistent with reasonable economic return;
  2. A section which reports on the exterior landscaping design, describing how native plants and xeriscaping techniques will be employed where possible, along with water efficient and non-wasteful irrigation systems.
  3. A section, which notes all other areas of, planned conservation in interior/exterior water use, which demonstrates a bona fide commitment to reasonable conservation efforts.

- B. Additions, alterations or repairs to existing non-residential buildings or structures, "Water Conservation Report." Additions, alterations or repairs may be made to any existing nonresidential building or structure without requiring compliance with 13.1 above provided the addition, alteration or repair conforms to that required for a new building or structure and provided that the additions, alterations or repairs within a twelve (12) month period do not exceed fifty percent (50%) of the value of the existing building or structure. When additions, alterations or repairs within any twelve (12) month period exceed fifty percent (50%) of the value of an existing building or structure, a "Water Conservation Report" may be requested by the District in accordance with this section. Failure to submit a report within three (3) months of a written request from the District shall be grounds to withhold a Water Availability and Concurrency Letter or for termination of water service to the project or development.
- C. Water plan required for new non-residential users greater than 9,000 gallons per day. New non-residential users who have an estimated annual use which averages nine thousand (9,000) gallons per day or more (excluding turf-related facilities) may be required to submit a "water use plan" sealed by a Utah registered architect or engineer that it complies with this section as a condition to a water connection to the District. Failure to submit a plan within three (3) months of a written request from the District will result in the withholding of Water Availability and Concurrency Letters for the project. The "water use plan" shall contain at least the following:
1. A description of any available water conservation training programs offered to employees. Employee training information may be offered by the District to the facility after the construction is completed;
  2. Whether alternative water sources will be used (i.e., effluent, poor quality groundwater or other non-groundwater sources);
  3. Operating levels of total dissolved solids (TDS) or conductivity for cooling towers and total cooling capacity if applicable;
  4. Whether the user will use the best available conservation technologies in accordance with existing process uses (i.e., re-circulating systems for process water, alternative dust control methods, automatic shut-down devices to eliminate continual running water);
  5. Any plans for the reuse of wastewater or process water at the facility; and
  6. Type of landscaping and irrigation system. Including details of the exterior landscaping design, describing how native plants and xeriscaping techniques will be employed where possible, along with water efficient and non-wasteful irrigation systems.

### **13.7 Irrigation Schedules and Restrictions**

The District may curtail outside watering in any fashion it deems necessary to protect its water supplies during drought conditions or failure of one or more water sources. Restrictions may be set as voluntary or mandatory. If restrictions are mandatory, the District may impose fines and/or penalties to enforce the restrictions on a level to be set at the time, depending on the seriousness of the water shortages. In all cases, and for all types of customers in the District, whether a drought condition exists or not, outside watering will be scheduled at a maximum interval of every other day.

### **13.8 Conservation Implementation**

The District may withhold Water Availability and Concurrency Letters and/or Will-Serve Letters for any project or development that fails to implement water conservation measures outlined in the District's Water Conservation Plan in the design and operation of the project(s).