

Indian Hills General Improvement District WATER USE RESTRICTION ORDINANCE NO. 001

Summary of Ordinance: An ordinance incorporating herein water use limitations relating to a water conservation plan; defining terms re: water use limitations, declaration of shortage together with other matters properly relating thereto.

TITLE

AN ORDINANCE INCORPORATING WATER USE RESTRICTIONS IN THE INDIAN HILLS GENERAL IMPROVEMENT DISTRICT, PROVIDING FOR DEFINITIONS AND PENALTIES; DECLARATION OF WATER SHORTAGE; INCORPORATING WATER RATES PROVIDED WITHIN AND OUTSIDE THE BOUNDARIES OF THE INDIAN HILLS GENERAL IMPROVEMENT DISTRICT; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF TRUSTEES OF THE INDIAN HILLS GENERAL IMPROVEMENT DISTRICT DOES ORDAIN:

Section 1: *Declaration of Purpose:*

1. The Board of Trustees of the District recognizes the importance and appropriateness of conserving domestic water, which purpose requires the imposition of certain restrictions on use in certain circumstances in order to prevent unnecessary use or waste.
2. In order to assure that the District can provide adequate supplies of water to its citizens, the Board of Trustees may, after a declaration of water shortage is made as provided herein, additionally restrict the use of water for certain irrigation or household purposes, and/or limit the time within which water may be used for those purposes. In furtherance of that goal, the Board enacts this ordinance pursuant to its authority granted by NRS 318.170.

Section 2: *Definitions:*

As used in this ordinance the following words or phrases are defined as follows:

1. "**Board**" means the Board of Trustees of the Indian Hills General Improvement District.
2. "**Declaration**" means the declaration of water shortage by the Board when it appears to a majority of the Board that either insufficient water is available to meet the reasonable needs and requirements of the District, or that there is insufficient potable water for human consumption as determined by the Nevada State Health Department or the Douglas County Health Officer.
3. "**District**" means the Indian Hills General Improvement District.
4. "**District Agent**" means the District manager, engineer maintenance supervisor, or Board member.
5. "**Household Purposes**" means the purposes for which a person uses water inside a residence, and excluding all outside irrigation uses.
6. "**Irrigate**" means, but is not limited to, irrigate, water, moisten, sprinkle, soak, waterlog, flow, wet or any supply of water to land by natural or artificial means for other than household purposes.

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7. "**User**" means, but is not limited to, the record owner of the property or location as such owner is defined by the records of the Douglas County Assessor, or a tenant residing at such location.
8. "**Water Waste**" means, but is not limited to; violation of the water use restrictions, or the careless consumption of water as evidenced by irrigation overflowing or puddling on a property and/or flowing from property into gutters, streets, gullies, neighboring property or washes for more than 30 (thirty) minutes.

Section 3: Water Use Restrictions in the event of a Declaration of water shortage:

1. Upon declaration by the Chairman of the Board, after a majority vote of the Board, taken at a regularly held meeting, at a specially called meeting or after a telephone canvass of Board members by the District agent, the Board may impose any or all of the following restrictions:
 2. A. Require that irrigation be conducted only as may be permitted by the decision of the Board at the time of the Declaration of Shortage.
 - B. Prohibit the use of water for other than household purposes.

Section 4: Non-emergency Restrictions:

1. Without declarations by the Board of a water shortage, and continuously in effect, in no event shall a water user irrigate or use water for other than household purposes between the hours of 12:00 noon to 4:00 p.m.
2. In no event shall a water user waste water in violation of this ordinance as water uses are defined in Section 2 herein.
3. In no event shall a water user irrigate during high-wind periods, defined as continuous winds in excess of an average speed of 15 miles per hour.

Section 5: Exemptions:

1. The Board may exempt the following uses of water:
 - A. Lawns which have been planted within thirty (30) days of the date restrictions are imposed.
 - B. Professional gardeners or landscapers when performing professional services.
 - C. Flower and vegetable gardens

Section 6: Penalties:

1. Any user found by the agent of the District to be in violation of this ordinance, may, in addition to being subject to all rights and remedies of the District at law, be subject to the following:

During one watering season:

 - A. **First violation:** A user found to be in violation of these provisions shall be warned by the District agent, orally or in writing.
 - B. **Second violation:** A user found to be in violation of these provisions on a second occasion shall be warned by certified mail or served in person by the District agent.
 - C. **Succeeding violation:** A user found to be in further violations of these provisions shall have water service discontinued and a fine of

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\$50.00 (fifty dollars) shall be assessed. The water service shall be resumed upon receipt of the \$50.00 fee.

- D. Each and every day of violation of this ordinance is deemed to be a separate and succeeding violation.
2. Nothing contained herein shall prevent the District agent, without notice to any resident, from entering a property and halting water waste, or, if the entrance to the property is not possible, from causing water service to the property to be halted.
 3. It is the intention of the Board of Trustees of the Indian Hills General Improvement District that any and all penalties delineated herein shall be paid by the user in violation.

Section 7: *Appeals:*

1. Any person aggrieved by the actions of the District agent in the enforcement of this ordinance, may appeal such action to the Board.
2. An appeal may be taken within ten days after written notice of the action of the agent of the District by paying to the District the fee of \$25.00 (twenty-five dollars), in addition to any fee or penalty assessed pursuant to this ordinance, and filing a written statement of the reasons why the action of the agent of the District is in error.
3. The Board shall hear the appeal within forty-five (45) days after the filing of the statement of the reasons. The Board shall give the appellant three (3) days written notice of the date, time and place of the hearing.
4. Any person who fails to file a written statement with the District within three (3) days after notice of the action of the agent of the District waives his right to appeal.
5. Upon a person's failure to timely file for appeal, or upon final action by the Board with respect to an appeal, the Board may pursue any of its rights and remedies contained at law or in this ordinance.

Section 8: *Severability:*

1. It is declared to be the intention of the District that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code is declared unconstitutional or invalid by the valid and final judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.