

**RESOLUTION NO. 2013-08**

**A RESOLUTION ESTABLISHING WATERING REGULATIONS, RULES FOR ENFORCEMENT AND THE IMPOSITION OF FINES AND PENALTIES**

**WHEREAS**, pursuant to the authority of Section 17B-2a-1005(8)(a)(i), U.C.A., the Board of Trustees (the “*Board*”), of the Roy Water Conservancy District (the “*District*”), is empowered, among other things, to make and enforce all reasonable rules and regulations for the management, control, delivery and distribution of the District’s irrigation water supply; and

**WHEREAS**, in making and enforcing such rules and regulations, the Board is further empowered, pursuant to the authority of Section 17B-2a-1004(1)(j), U.C.A., to consider and promote water conservation; and

**WHEREAS**, consistent with the aforesaid powers, the Board deems it necessary to establish watering regulations prohibiting wasteful irrigation practices and governing the hours of the day when District water may be used for irrigation, providing rules for the enforcement thereof, and limited exceptions.

**NOW, THEREFORE**, be it hereby resolved by the Board of the District as follows:

**1. WATERING REGULATIONS.**

(a) Wasteful Irrigation Practices are Prohibited. It is the policy of the District to conserve and protect the District’s irrigation water supply. Irrigation practices, such as watering multiple times in a given day, watering on consecutive days, allowing water to run waste down the gutter, and the failure to promptly repair leaking water lines and sprinkler heads, which result in the waste of the District’s irrigation water supply are prohibited.

(b) Uniform Watering Hours. The water supply of the District shall only be authorized for use in any water year for irrigation purposes during the authorized irrigation season, as determined from year to year by the Board, on any residential, commercial or agricultural land, during the evening, night and morning hours, each day, beginning at 6:00 p.m. and ending at 10:00 a.m. the following day.

**2. ENFORCEMENT.**

(a) Enforcement Authority. The General Manager of the District is hereby vested with the authority to enforce the watering regulations and rules of enforcement set forth herein, either through the use of District personnel, by contract or otherwise.

(b) Rules of Enforcement. Any contract holder or other customer of the District who is discovered or reported to be utilizing the District’s water supply in violation of the watering regulations set forth in Section 1 (each, a “*Violator*”), shall, upon confirmation of the violation by District personnel, be subject to the following rules:

(1) FIRST OFFENSE: For a first offense, the Violator shall be notified in person, by door hanger, by phone, or by mail, of the reported violation, and shall be instructed to thereafter conform with the District’s uniform watering regulations;

(2) SECOND OFFENSE: For a second offense in the same water year, the Violator shall be served with a formal written citation and be required to pay a fine of \$50.00. The fine shall be due and payable as indicated in the Citation. Failure to pay the fine when due shall result in the termination of the Violator’s water service until the fine is paid in full. In the event of termination of water service, a reconnection fee of \$100.00 shall also be paid as a condition to restoration of water service by the District.

(3) THIRD OFFENSE: In the event of a third offense in the same water year, the Violator’s water service shall be terminated for the balance of the water year. A reconnection fee of \$200.00 shall be paid by the Violator to the District as a condition to restoration of water service for the following water year. Written notice shall be given to the Violator by the District confirming the termination of the Violator’s water service, the conditions for restoration of service, and of the Violator’s right of appeal thereof to the Board. Restoration of the Violator’s water service and the terms and conditions thereof, shall be determined by the Board in its sole discretion.

**3. FULL PAYMENT DUE NOTWITHSTANDING A VIOLATION**. Notwithstanding any termination of service, the Violator’s full assessment shall remain payable in full and be collected by the County, in the event of a contract assessment, or otherwise by the District in conformance with the terms of the Violator’s contract with the District.

**4. EXCEPTIONS; EXCEPTION PERMITS**. Use of water by a contract holder that would otherwise be a Violation of the Water Regulations set forth in Section 1 hereof (each, an “*Exception*”), may be considered in conformance with the following:

(a) Exceptions shall only be considered on a case-by-case basis, in connection with the following uses: (i) irrigation of newly planted lawn, and (ii) agricultural irrigation. No other exceptions will be considered by the District.

(b) To qualify for an Exception, the contract holder shall submit a written application to the District setting forth the contract holder’s name, address, home telephone and cell phone numbers, and email address, stating the place of use of the District’s water, the purpose for which the Exception is requested, and the period of time during which the Exception is required. The District’s General Manager will review and consider the Exception request and approve or deny the same in his sole discretion. If the Exception is approved, a written permit (“*Exception Permit*”), will be issued to the contract holder setting forth the terms, conditions and date of expiration of the Exception. If the Exception is denied by the General Manager, the contract holder may appeal the decision to the Board, whose decision shall be final.

(c) Upon expiration of the Exception Permit, the water regulations set forth in Section 1 shall thereafter apply and be enforced in accordance with this Resolution.

**5. IMMEDIATE EFFECT**. This resolution shall take effect immediately upon adoption by the Board.

**PASSED AND ADOPTED** by the Board this 12<sup>th</sup> day of June, 2013.