

Proposed.

Update the Yosemite West Maintenance District Flow Control ordinances (Mariposa County 13.28.010) to provide protections to lot owners in event of a water shortage.

Why this is needed.

Protect Lot Owners as was originally intended.

In 2002, the Board of Supervisors passed Resolution 975 (attached) stating that upon completion of the waste-water treatment plant project, this resolution would go into effect stating very clearly: "it is the **intent of the Board of Directors** of the Yosemite West Maintenance District (District) that Yosemite West **lot owners be assured** that the District sewer capacity will **permit each lot to be improved** to accommodate at a minimum for a three bedroom, two bath, single family residence." The resolution goes on to state that "a strong correlation exists between water usage and sewage inflow... therefore limitations on water usage may be necessary to regulate and/or limit on (sic) flows into the sewage treatment facility."

Furthermore, 13.28.010, paragraph 2, suggest that the intent of the ordinance was that it also apply in event of shortfall in water supply capacity as well.

It has become clear during discussions on the water supply, that there is some ambiguity because paragraph 1 addresses only rationing in event of a capacity problem on the wastewater end.

This proposal requests that the Board of Directors update 13.28.010 to cover systemic shortfalls in water or wastewater capacity and that the relevant proportional allocations be put in place in the same manner regardless of cause.

Resolve conflict with Resolution 88-1

Resolution 88-1 (attached) also regulates water rationing in event of a shortfall, but using completely different criteria and mechanisms and has no enforcement provision. The rationing steps are all but impossible to enforce. At every step, there is a distinction between full-time residents and part-time residents. As we saw during the Zone of Benefit vote, we have no verifiable mechanism for determining who fits in which category. So effectively, it pits neighbor against neighbor. At step 1, rentals are allowed to operate four days per week, but how would I know that my neighbor is in violation of he rents six days in a row (Friday-Sunday of this week and Monday-Wednesday of next week)?

Ordinance 13.28.010, by contrast is simple and not open to interpretation or argument and is blind to the usage of the property, but simple addresses the impacts of that usage. So this

proposal also recommends that it be specifically stated that in event of any long-term shortfall, the water rationing provisions of Ordinance 13.28.010 supersede those of Resolution 88-1.

Chapter 13.28

YOSEMITE WEST MAINTENANCE DISTRICT FLOW CONTROL

Sections:

13.28.010 Regulations.

13.28.010 Regulations.

1. If at any time the capacity of either the water supply or the wastewater treatment plant is insufficient~~after reconstruction of the district sewer system the sewer capacity will not permit sewer hookups sufficient~~ to allow full build-out of all lots to a minimum of one three bedroom, two bath single family residence per lot, the district shall limit water usage of each lot to a level to allow for full build-out. The limitation of water usage shall be an adjustment to the volumetric flow allocation per equivalent dwelling unit (EDU) as calculated in the engineer's report for assessment district no. 01-1 (Yosemite West Wastewater Facilities Project) County of Mariposa, State of California. The limitation shall be determined by the public works director based on a qualified engineer's report. (By way of example, if lot A's assessment is based upon 1 EDU and lot B's assessment is based upon 1 ½ EDU's, then in that event if a limitation on water usage is implemented on the basis of 100 gallons per day per EDU, lot A would be entitled to 100 gallons per day and lot B would be entitled to 150 gallons per day). If any water customer fails to curtail water usage as directed by the district, the district shall install a flow-restriction device on the offending customer's service to guarantee compliance. For new construction, including duplexes and remodeling, any additional EDU allocation (more than allowed as calculated directly above) must be separately acquired from any surplus EDU allocation that may be available. The management and determination of "surplus EDU" for the district shall be the responsibility of the Mariposa county public works department. If no "surplus" EDU allocation is available, construction must conform to the permitted EDU amount. The Mariposa county public works department shall be responsible for ongoing monitoring of the water and sewer systems to ensure early detection of unanticipated ~~sewer~~-capacity reductions.
2. The district shall have the authority to adjust water usage limitations from time to time as sewer capacity and/or water availability dictates. Water allocations shall not be transferable between lots.
3. The provisions of this ordinance shall be in full force and effect only upon adoption of a resolution by the district implementing the regulations contained herein.

4. The remedies contained herein for failure of a lot owner to comply with the regulations of this ordinance shall be in addition to any other legal remedies of the district.
5. Violation: Fines and Penalties. Except as otherwise provided herein, violations of any provision of this ordinance shall be punished as follows:

Violation Classification Penalty

First violation	Infraction \$100.00
Second and subsequent Violations within a six-month period	Misdemeanor \$500.00

The penalties prescribed herein may be amended from time to time by resolution of the district board of directors. At such time as limitations are implemented, Mariposa county public works department shall monitor water meters monthly to determine conformity of each lot to the limitations imposed.

1. The district shall disconnect the water service to any lot cited for a misdemeanor under this section. Such service shall be restored only upon payment of the turn-on charge fixed by the district by resolution. Each month any violation of this ordinance is committed or continued shall constitute a separate offense and shall be punishable as such hereunder.
2. The controls contained in this ordinance shall not be implemented unless the reconstruction is completed to allow full build-out of all of the lots in the district as described in paragraph 1 above. (Ord. 975 Sec.I, 2002).