

**GARDNERVILLE RANCHOS  
GENERAL IMPROVEMENT DISTRICT  
POLICY AND PROCEDURES MANUAL**

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**APPENDIX D  
WATER USE RESTRICTIONS**

**D.1 DECLARATION OF PURPOSE**

D.1.1 The Board of Trustees of the GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT recognizes that in certain years there may be a shortage of water WITHIN THE District's service area which requires the imposition of restrictions on use so that the District may provide adequate and equal amounts of water to its users.

D.1.2 In order to assure that the District can provide adequate supplies of water to its users, 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 limit the time within which water may be used for the purposes. In furtherance of that goal, the Board enacts these restrictions pursuant to its authority granted by NRS 318.144, NRS 318.145, NRS 318.170(d) and NRS 318.199.

**D.2 DEFINITIONS**

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

D.2.1 **"Board"**: The Board of Trustees of the Gardnerville Ranchos General Improvement District.

D.2.2 **"Declaration"**: Means a 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, the Douglas County Health Officer, or the District agent.

D.2.3 **"District Agent"**: Means the District's Manager, Engineer, Maintenance Supervisor, or a Board Member.

D.2.4 **"User"**: Means, but is not limited to, the record owner of the property or location as such owner is identified by the records of the Douglas County Assessor, or a tenant or other person residing, at, or on, such property. The land use classification (zoning) of a

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property does not affect the application of these restrictions to all properties within the District's service area.

D.2.5 **"Water Uses"**: Water uses include the use of water for:

D.2.5.1 **"Household Purposes"**: Means the purposes for which a person uses water inside a residence, and excluding all outside irrigation uses.

D.2.5.2 **"Irrigation"**: 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.

D.2.6 **"Water Waste"**: Means, but is not limited to, violation of these water use restrictions, or the careless consumption of water as evidenced by water overflowing or puddling on a property, or excessive runoff from any use of water on a property.

### **D.3 EMERGENCY WATER USE RESTRICTIONS**

D.3.1 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 in an emergency meeting after a telephone canvass of Board members by the District agent, the District may impose any or all of the following restrictions:

- A)
  - i) Require houses whose street address ends with an even number irrigate on even numbered days of the week; and
  - ii) Require houses whose street address ends with an odd number irrigate on odd numbered days of the week; and
  - iii) In months with a greater number of days than thirty (30), there shall be no irrigation permitted on the 31<sup>st</sup> day.
- B) Require that irrigation be conducted, when permitted, during the hours of 7:00 p.m. to 10:00 a.m.

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- C) Prohibit the use of water for other than household purposes.

**D.4 NON-EMERGENCY WATER USE RESTRICTIONS**

D.4.1 Without declaration by the Board of a water emergency or shortage, in no event shall a water user irrigate or use water for other than household purposes between the hours of 1:00 p.m. to 5:00 p.m.

D.4.2 In no event shall a water user waste water in violation of these restrictions, in using water for household purposes or irrigation, as water uses are defined in Section II hereinabove.

**D.5 EXEMPTIONS TO NON-EMERGENCY WATER USE RESTRICTIONS**

D.5.1 The Board authorizes the District Manager, upon good cause shown, to exempt the following uses of water in non-emergency situations. The exemptions contained in this section do not foreclose the issuance of warnings or citations for water waste in violation of these restrictions.

- A) Upon notice to the District by a property owner of lawns which have been newly planted within thirty (30) days.
- B) Professional gardeners or landscapers or users when performing services to install, repair, or maintain a sprinkler system or related mechanical devices.
- C) Children's toys such as water slides and inflatable pools.

**D.6 PENALTIES**

D.6.1 **IT IS THE INTENTION OF THE BOARD OF TRUSTEES OF THE GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT THAT ANY AND ALL PENALTIES DELINEATED HEREIN SHALL BE PAID BY THE RECORD OWNER OF THE PROPERTY IN VIOLATION. ANY PENALTY AMOUNT OR WATER METER INSTALLATION COSTS ASSESSED AGAINST A PROPERTY OWNER SHALL, IN ALL CASES, CONSTITUTE A LIEN AGAINST THE PROPERTY UNTIL PAID. AN AGENT**

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**OF THE DISTRICT IS DIRECTED TO FILE FOR RECORD ANY LIEN RESULTING  
FROM A VIOLATION OF THE PROVISIONS OF THESE RESTRICTIONS.**

D.6.2 Any user found by the agent of the District to be in violation of these restrictions, may, in addition to being subject to all rights and remedies of the District at law or in equity, be subject to the following:

- A) Warnings: A user found to be in violation of the provisions of these restrictions shall be warned by the District agent, orally and/or by a citation in writing, of violations of these restrictions. A person warned of violation of the provisions of these restrictions on more than two occasions within a two year period shall be subject to the penalties contained in subsections B and C of this section.
  - i) It is the intention of the Board that violations shall be consecutive in nature during a two year period. The Board may not consider a violation which has occurred two years or more prior to the latest warning issued by the District for enhancement of the penalties provided for herein.
- B) Third Violation: On a third violation within a two year period a user found to be in violation of the provisions of these restrictions shall be assessed a penalty in the amount of Fifty Dollars (\$50).
- C) Fourth Violation: Mandatory Metering: A user found to be in violation of the provisions of these restrictions on a fourth occasion within a two year period shall be assessed a penalty in the amount of Fifty Dollars (\$50), and shall have water service discontinued until such time as the District installs a water meter consistent with the District's standards and specifications. If a water meter is installed by the District, the costs of the meter and the installation shall be billed to the owner of the property in violation, and shall be filed by the District as a lien of record against the property of the owner until paid. Thereafter, the account for the user at the location in violation shall be determined based upon the actual use of water as measured by the water meter installed. Any subsequent violation



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after a water meter is installed pursuant to this policy shall result in the assessment of a penalty in the amount of Fifty Dollars (\$50.00) for each violation.

D) Change of Ownership: An owner and/or occupant of a property found to be in violation of the provisions of these restrictions resulting in the installation of a water meter shall not be exempt from the requirements of these restrictions, and shall pay for water based on actual use of water as determined by the meter installed.

i) If a water meter has been installed at a location which is subsequently sold, the water meter shall remain installed, and the property owner shall pay for water based on actual use of water as determined by the meter installed.

E) Consecutive Violations: Each and every violation of these restrictions is deemed to be a separate and succeeding violation.

D.6.3 Nothing contained herein shall prevent the District agent, without notice to any owner or occupant of a property, from entering a property to halt water waste. If entrance to the property is not reasonably possible, the District agent may cause water service to the property to be halted.

A) When it is reasonably determined that water waste results from a mechanical or other malfunction of the watering system located on the property, and upon adequate provision for the remedy of the malfunction, water service to the property shall be restored. In the case of water waste due to mechanical malfunction, a repair notice shall be issued to the user, property owner or occupant to remedy the malfunction within seventy-two hours. If the user, property owner or occupant neglects, refuses or fails to remedy the malfunction within seventy-two hours a citation shall be issued unless the District Manager, on sufficient cause shown, extends the period of time to repair a mechanical malfunction as in his discretion is appropriate on a case by case basis.

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- B) If the user, property owner or occupant of the property, at the time that water service is halted, is found to have two or more violations of these restrictions within a two year period, water service to the property shall not be restored until a water meter is installed. Upon a fourth violation at such location where a water meter is installed pursuant to this section, the account of the user will be billed based upon the actual water use measured by the water meter installed. The cost of the installation of the water meter by the District shall be paid by the property owner of the premises, and shall constitute a lien against the property.
  
- C) If the property owner or resident is found to have less than two violations within a two year period at the time that water service to the property is halted, water service to the property shall be immediately restored without the installation of a water meter by the District after a written warning is delivered to the owner of the property, resident or occupant thereof.

## **D.7 APPEALS**

- D.7.1 Any person cited by a District agent in the enforcement of these restrictions may appeal such action to the District.
  
- D.7.2 An appeal may be taken by filing a written statement of the reasons why the agent of the District acted in error, and shall be submitted to the District Manager for review and possible action **within 30 days of the date the citation was written**. The District Manager or his designee is empowered to affirm, modify, or cancel any warning or citation issued, or penalty assessed. Should the District Manager deem it necessary, the District Manager may meet with the person appealing a warning or citation to discuss with the appellant the reasons for the appeal. At any such meeting minutes shall be taken of the conference between the appellant and the District Manager. At the conclusion of such meeting, the District Manager may act to affirm, modify or cancel any warning or citation issued.
  
- D.7.3 If the District Manager denies the appeal, the appellant may appeal that decision to the Board of Trustees within 45 days of the District Manager's decision. The appellant will

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submit in writing any new information they may have gathered and submit it to the District no later than 10 working days before the next Board Meeting of the Trustees. Prior to being placed on the Board of Trustees Meeting Agenda, all penalty amounts assessed for the third and/or fourth violations must be paid. A TWENTY-FIVE DOLLARS AND NO/100 CENTS (\$25.00) filing fee must be submitted at the time the appeal is filed with the District. If the Board of Trustees finds in favor of the appellant, the twenty-five dollar (\$25.00) filing fee will be returned as well as any penalty amount assessed for that citation.

- D.7.4 At the Board of Trustees Meeting, the appellant will present to the Board his/her reasoning why the appeal should not have been denied.
- D.7.5 The Appellant shall offer no new evidence except what was filed with the District Manager originally and any subsequent evidence prior to the meeting date as described in Section 3.

*Revisers Note: Appendix D adopted November 1, 1994, RES. 94-1; §7: Appeals Revised May 3, 1995.*